



City of Bothell™

BOTHELL CITY COUNCIL MEETING

AGENDA

March 17, 2020

BOTHELL CITY HALL
18415 101st AVE NE
BOTHELL, WA 98011

MEMBERS OF THE CITY COUNCIL

Mayor Liam Olsen

Deputy Mayor Jeanne Zornes
Councilmember Davina Duerr
Councilmember James McNeal

Councilmember Tom Agnew
Councilmember Rosemary McAuliffe
Councilmember Mason Thompson

REGULAR SESSION

Call to Order

Pledge of Allegiance

1. Meeting Agenda Approval

During this item, the City Council may identify agenda items to be continued, withdrawn, or added.

2. Presentations, Reports, & Briefings

A. Public Engagement Opportunities
- None at this time.

B. Proclamations
- None at this time.

C. Special Presentations
- None at this time.

D. Staff Briefings
- None at this time.

E. City Manager Reports

F. Council Committee Reports

3. Visitor Comment

During this item, the Mayor will invite visitor comment. Each speaker will be granted 3 minutes. When appropriate, the Mayor may direct City Staff to respond with statements of factual information or existing city policy.

4. Consent Agenda

All items under this section will be passed with a single motion and vote. These items are of a routine nature. Prior to approval, City Council may request items be withdrawn from the consent agenda for separate discussion. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with the staff recommendation.

- | | |
|------------|---|
| Pgs. 5-8 | A. Approval of the March 3, 2020 Meeting Minutes
Recommended Action: Approve the March 3, 2020 meeting minutes as presented. |
| Pgs. 9-10 | B. AB # 20-039 – Approve February 2020 Vouchers
Recommended Action: Approve vouchers for February 2020 totaling \$2,530,592.98. |
| Pgs. 11-16 | C. AB # 20-040 – Consideration of an Interlocal Agreement with Cowlitz County to allow cooperative purchasing between agencies.
Recommended Action: Authorize the City Manager to execute an Interlocal Agreement between Cowlitz County and the City of Bothell for cooperative purchasing. |
| Pgs. 17-22 | D. AB # 20-041 – Consideration of a Resolution Ratifying a Proclamation of Local Emergency
Recommended Action: Approve the Resolution Ratifying the Proclamation of Local Emergency. |

5. Public Hearings

- None at this time.

6. Ordinances & Resolutions

- | | |
|------------|---|
| Pgs. 23-44 | A. AB # 20-042 – Consideration of an Ordinance Initiating Condemnation of Property Needed for the North Creek Trail Section 4 Project.
Recommended Action: Approve an ordinance initiating condemnation of property for the North Creek Trail Section 4 project, and authorize the City Manager to acquire the necessary right-of-way for the project, subject to future Council approval of deeds and easements documenting the acquisitions. |
|------------|---|

7. Contracts and Agreements

- None at this time.

8. Other Items

- Pgs. 45-88 A. AB # 20-043 – Receive a Canyon Park Subarea Plan Briefing and Consider Providing Policy Direction on a Planning Commission Recommendation Regarding a Preferred Land Use Alternative.
Recommended Action: No formal action is requested at this time. However, staff requests Council direction regarding the preferred land use alternative recommended by the Planning Commission.
- Pgs. 89-92 B. AB # 20-044 –Consideration of Amending City Council Protocol Manual Section 7.14 Attendance via Speakerphone (AVS).
Recommended Action: None

9. Study Session/Update/Discussion Items

- None at this time

10. Council Conversations

During this item, Council members have the opportunity to informally discuss topics of city interest.

11. Executive Session/Closed Session

- None at this time.

Pursuant to the Washington Open Public Meetings Act, Title 42, Chapter 30, Revised Code of Washington, Sec. 42.30.110 (1), Executive Sessions or Closed Sessions may be held, under certain exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.

12. Adjourn

CERTIFICATE

I hereby certify that the above agenda was posted on this the 15th Day of March, 2020, by 10:00 P.M., on the official website and bulletin board at Bothell City Hall, 18415 101st Avenue NE, Bothell, WA, 98011, in accordance with RCW 42.30.077, at least 24 hours in advance of the published start



Laura Hathaway, City Clerk

SPECIAL ACCOMMODATIONS: The City of Bothell strives to provide accessible meetings for people with disabilities. If special accommodations are required, please contact the ADA Coordinator at (425) 806-6151 at least one day prior to the meeting.

Copies of agenda bills and attachments listed in this agenda may be obtained from the City Clerk's Office the Friday before the meeting.

Bothell City Council meetings are aired live on Bothell Community Television (BCTV) Channel 21/26 (Comcast/Verizon) (available to Comcast and Verizon Cable customers within Bothell City limits). Meetings are generally replayed according to the following schedule (subject to change): Wednesday following the meeting at 10 a.m.; Friday, Saturday and Sunday following the meeting at 10 a.m. and 7 p.m. City Council and Planning Commission meetings and the BCTV schedule are viewable online at www.bothellwa.gov

BOTHELL CITY COUNCIL MEETING MINUTES

March 3, 2020

MEMBERS OF THE CITY COUNCIL

Mayor Liam Olsen

Deputy Mayor Jeanne Zornes

Councilmember Davina Duerr

Councilmember James McNeal

Councilmember Tom Agnew

Councilmember Rosemary McAuliffe

Councilmember Mason Thompson

REGULAR SESSION

Call to Order - Mayor Olsen called the meeting to order at 6:00 PM and led the Pledge of Allegiance.

All Councilmembers were present with the exception of Councilmember Duerr who was absent and excused.

1. Meeting Agenda Approval

Mayor Olsen pulled AB #20-034 – (Public Hearing).

2. Presentations, Reports, & Briefings

A. Public Engagement Opportunities

- Mayor Olsen reviewed upcoming public engagement opportunities.

B. Proclamations

- Derek Smith, Economy Fence – Mayor Olsen presented Mr. Smith with a proclamation thanking him and his company for the generous donation of the fence at the Northshore Senior Center Memory Care facility.

C. Special Presentations

- Bothell/Kenmore Chamber of Commerce Update – Chamber Representative Andrea Schafer and Brittany Caldwell provided an update on Chamber activities and upcoming events. Both entertained Council questions.

D. Staff Briefings

- None

E. City Manager Reports

- None

F. Council Committee Reports

- Councilmember McNeal provided updates on the Northshore Parks and Recreation Service Area, Puget Sound Regional Council and Community Transit.

- Councilmember Thompson provided a Regional Law Safety and Justice Committee update.

3. Visitor Comment

Lucy Toner – spoke regarding the Youth Court and its upcoming open house on March 9th.

4. Consent Agenda

All items under this section will be passed with a single motion and vote. These items are of a routine nature. Prior to approval, City Council may request items be withdrawn from the consent agenda for separate discussion. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with the staff recommendation.

- A. Approval of Meeting Minutes – February 4, 11, and 18, 2020
Recommended Action: Approve the City Council Meeting Minutes for February 4, 11 and 18, 2020 as presented.
- B. AB # 20-029 – Approve December 2019 and January 2020 Vouchers
Recommended Action: Approve vouchers for December 2019 and January 2020 totaling \$7,812,318.94.
- B. AB # 20-030 – Approve January 2020 Payroll and Benefit Transactions
Recommended Action: Approve payroll and benefit transactions for January 1 – 31, 2020.
- C. AB # 20-032 – Approve an Ordinance Regarding a Wireline and Small Wireless Facility Franchise Agreement with Crown Castle Fiber LLC, c/o Crown Castle
Recommended Action: Adopt the proposed Ordinance granting a Small Wireless Facility Franchise to Crown Castle, LLC.
- D. AB # 20-033 – Consideration of Pledge to Support Earth Day 2020
Recommended Action: Approve supporting and signing the Elected Officials Pledge as written by Earth Day Northwest.

MOTION: Councilmember Agnew moved approval of the Consent Agenda as presented. Councilmember Thompson second. The motion carried 6-0; Councilmember Duerr absent and excused.

5. Public Hearings

- A. ~~**PULLED** AB # 20-034 – Public Hearing and Consideration of an Ordinance Amending Sections of the Downtown Subarea Regulations Providing for Historic Preservation~~
~~Recommended Action: Approve the attached Ordinance, as recommended by the Planning Commission, amending sections of the Downtown Subarea Regulations providing for historic preservation.~~

6. Ordinances & Resolutions

- None

7. Contracts and Agreements

- A. AB # 20-035 – Consideration of Adopting the 2020 Visitor Development Spending Plan and Contract with Streetsense Consulting, LLC
Recommended Action: Approve the 2020 Visitor Development Spending Plan of \$499,636 and a Streetsense Contract of \$245,000 to continue driving economic development to Bothell through tourism channels.

Tourism Manager DeNae McGee presented and entertained Council questions.

MOTION: Councilmember Thompson moved approval of the recommended action. Councilmember McAuliffe second. The motion carried 6-0; Councilmember Duerr absent and excused.

8. Other Items

- A. AB # 20-038 – 2020 Board and Commission Appointments
Recommended Action: After voting to fill Board and Commission vacancies, move to ratify the results.

City Clerk Laura Hathaway presented. Council was asked to vote to fill vacancies on the Arts Commission, Landmark Preservation Board, Library Board, Lodging Tax Advisory Committee, Parks & Recreation Board and Planning Commission. She stated Council would vote using written ballots (provided) and each applicant needed at least four votes to be appointed.

Council recessed from 7:10 PM to 7:20 PM, to allow the City Clerk to tally the round one (1) votes.

Mayor Olsen announced that the recess would be extended another 5 minutes.

Council resumed at the dais at 7:30 PM.

Voting went for three (3) rounds (all ballots are on file with the City Clerk's Office).

The following people were appointed:

Arts Commission: Kylie Chang, Sophie Stobie, Katrina Sather (incumbent), Kimberly Foley, Hilary Long and Kaylee Ditlefsen

Landmark Preservation Board: Ray Thomas (incumbent), Judy Gratton and Matthew Keuhn

Library Board: Stephanie Adam

Lodging Tax Advisory Committee: Nancy Pipinich (incumbent), Shawna Pitts (incumbent) and Joellen Kurtz

Parks and Recreation Board: Vladimir Bejdo, Jace Branca, Manny Ocampo (incumbent), Matt Yette, Richard Molitor and Whitney Neugebauer

Planning Commission: Amanda Olsen, Jenne Alderks, and Sarah Gustafson

MOTION: Councilmember McNeal moved to ratify the appointments to the Boards and Commissions. Councilmember Agnew second. The motion carried 6-0; Councilmember Duerr absent and excused.

8. Council Conversations

Councilmembers thanked all applicants who applied for the Board and Commission openings, stating that they were all great candidates, and encouraged those who did not get appointed to apply again next year.

9. Executive Session/Closed Session

- None

10. Adjourn

The meeting was adjourned at 7:47 PM.

Submitted for Approval on 3/17/2020.



City of Bothell™

City Council Agenda Bill AB # 20-039

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Chris Bothwell, Finance Director
Maureen Schols, Deputy Finance Director (Presenter)

DATE: March 17, 2020

SUBJECT: Approve February 2020 Vouchers

POLICY CONSIDERATION: This item asks the City Council to consider approval of vouchers for the period of February 1 – 29, 2020 totaling \$2,530,592.98 that were approved and paid for by the City Auditor.

- ✓ Check transactions #211878 - 212285
- ✓ Wire transactions #460, 462, 465, and 674

HISTORY:	DATE	ACTION
	JUNE 5, 2000	Ordinance 1810 appointed Finance Director/City Treasurer as City Auditor

In accordance with state statues, vouchers approved by the City Auditor are required to be ratified by the City Council and notated in the minutes.

DISCUSSION: None.

FISCAL IMPACTS: Expenditure funding included in the Adopted 2019-2020 Budget.

ATTACHMENTS: Att-1. February 2020 Voucher Listing.
(For Council distribution only. Voucher listings are available for review in the Finance Department.)

RECOMMENDED ACTION: Approve vouchers for February 2020 totaling \$2,530,592.98.

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City of Bothell™

City Council
Agenda Bill
AB # 20-040

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Erin Leonhart, Public Works Director
Jeff Sperry, Fleet & Facilities Manager (Presenter)

DATE: March 17, 2020

SUBJECT: Consideration of an Interlocal Agreement with Cowlitz County to allow cooperative purchasing between agencies

POLICY CONSIDERATION:	This item asks the City Council to consider if the City should enter into an interlocal cooperative purchasing agreement with Cowlitz County. Approving this item will allow Cowlitz County to utilize the City's emergency vehicle outfitting contract with Systems for Public Safety.
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HISTORY:	<table border="0"><thead><tr><th style="text-align: left; border-right: 1px solid black;">DATE</th><th>ACTION</th></tr></thead><tbody><tr><td style="border-right: 1px solid black;">OCTOBER 15, 2019</td><td>City Council approved emergency vehicle outfitting contract with Systems for Public Safety</td></tr></tbody></table> <p>On October 15, 2019, the City Council approved a contract with Systems for Public Safety for emergency vehicle outfitting. A provision in that agreement was included to extend contract prices to other governmental agencies. On December 11, 2019, the Cowlitz County Public Works department contacted the City to request an interlocal cooperative purchasing agreement to utilize the City's contract for emergency vehicle outfitting with Systems for Public Safety.</p>	DATE	ACTION	OCTOBER 15, 2019	City Council approved emergency vehicle outfitting contract with Systems for Public Safety
DATE	ACTION				
OCTOBER 15, 2019	City Council approved emergency vehicle outfitting contract with Systems for Public Safety				

DISCUSSION:	The purpose of this item is to allow the City and Cowlitz County to enter into an agreement that allows for cooperative governmental purchasing of supplies, goods and services to the mutual benefit of both agencies. The City would be able to utilize agreements that Cowlitz County enters into for supplies, goods, and services, as long as the procurement process used by Cowlitz County to reach that agreement meets the City's current procurement policies. Entering into such an agreement with Cowlitz County could help save the City time and resources on lengthy procurement processes. The agreement may be terminated by either agency at any time by giving 10 days written notice to the other agency.
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FISCAL IMPACTS:	The item does not impact the Adopted 2019-2020 Budget because the City does not assume any financial responsibility for purchases made by Cowlitz County.
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City Council
Agenda Bill
AB # 20-040

ATTACHMENTS: | Att-1. Interlocal Cooperative Agreement Between Cowlitz County and City of Bothell

RECOMMENDED ACTION: | Authorize the City Manager to execute an Interlocal Agreement between Cowlitz County and the City of Bothell for cooperative purchasing.

After recording, return to: City of Bothell
Name: Jennifer Phillips, City Manager
Address: 18415 101st Ave
Bothell, WA 98011

INTERLOCAL COOPERATIVE AGREEMENT BETWEEN COWLITZ COUNTY AND CITY OF BOTHELL

This Agreement, made and entered into by and between Cowlitz County, State of Washington, a Washington municipal corporation (hereinafter referred to as "Cowlitz County") and City of Bothell, State of Washington, a Washington municipal corporation (hereinafter referred to as "City of Bothell"), (collectively "Parties"), and whereby the Parties agree to cooperative governmental purchasing upon the following terms and conditions:

1. Purpose: Cooperative Purchases. The Parties hereto, pursuant to Titles 36 and 39 and Chapter 39.34 of the Revised Code of Washington do hereby agree to cooperatively purchase supplies, goods, services and equipment as a result of competitive bidding and within the qualifications or specifications established by and for Cowlitz County and City of Bothell.

Parties will finalize their own arrangements, including option selection, selections, trade-in and delivery arrangements for goods, services and equipment directly with the applicable contractor or vendor. Cowlitz County and City of Bothell agree that each Party has no liability as far as the durability, serviceability, performance and warranty of the goods, services, and equipment selected. It is also agreed that the goods, services, and equipment selected shall be agreed upon by each individual Party and will not be perceived as selected by the other Party. Cowlitz County and the City of Bothell accept no responsibility of the performance of any contracts by the contractor, and Cowlitz County and City of Bothell accept no responsibility for payment of the purchase price for any contract entered into by the other Party.

2. Administration. No new or separate legal or administrative entity is created to administer the provisions of this Agreement. Each Party reserves the right to contract independently for the purchase of any particular class of goods or services with or without notice to the other Party. The Parties reserve the right to exclude the other Party from any particular purchasing or services contract, with or without notice to the other Party.

3. Term. This Agreement shall take effect immediately upon completion of the requirements of Section 6, "Recording" below and shall continue in effect until terminated. It may be terminated by either Party by giving ten (10) days written notice to the other; provided, however, that termination shall not affect or impair joint purchases of the Parties that are agreed to on or before the date of termination.

4. Compliance with Laws. Each Party accepts responsibility for compliance with federal, state, or local laws and regulations including, in particular, that Party's bidding

requirements applicable to the acquisition of any goods, services, or equipment obtained through the cooperative process agreed to herein.

5. Indemnification. Each Party shall be liable and responsible for the consequence of any negligent or wrongful act or failure to act on the part of itself and its employees. Neither Party assumes responsibility to the other Party for the consequences of any act or omission of any person, firm or corporation not a party to this Agreement.

6. Recording. As provided by RCW 39.34.040, this Agreement shall not take effect unless and until it has (i) been duly executed by both parties, and (ii) either filed with the respective county Auditor or posted on the respective county's Interlocal Agreements website.

7. General Provisions. This Agreement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement. No provision of this agreement may be amended or modified except by written agreement signed by the Parties. This Agreement shall be binding upon and inure to the benefit of the Parties' successors in interest, heirs and assigns.

Any provision of this Agreement which is declared invalid or illegal shall in no way affect or invalidate any other provision. In the event either of the Parties defaults on the performance of any terms of this Agreement or either Party places the enforcement of this Agreement in the hands of an attorney, or files a lawsuit, each Party shall pay all its own attorneys' fees, costs and expenses.

The venue for any dispute related to this Agreement shall be in King County if the bid is issued by City of Bothell or in Cowlitz County if the bid is issued by Cowlitz County. Failure of either Party to declare any breach or default by the other Party immediately upon the occurrence thereof, or delay in taking any action in connection with, shall not waive such breach or default. Time is of the essence of this Agreement and each and all of its provisions in which performance is a factor.

IN WITNESS WHERE OF, the parties have caused duplicate originals of this Agreement to be executed on the day and year the last signature hereto is affixed.

**BOARD OF COMMISSIONERS
COWLITZ COUNTY, WASHINGTON**

Joe Gardner, Board of County
Commissioners, Chairman

Dennis Weber, Commissioner

Arne Mortensen, Commissioner

Dated: _____

ATTEST: Clerk of the Board

APPROVED AS TO FORM, ONLY:
Doug Jensen, Chief Civil Deputy

By: _____
Civil Deputy

Jennifer Phillips, City Manager

Dated: _____

APPROVED AS TO FORM, ONLY:

Paul Byrne, City Attorney

**CITY OF BOTHELL, WASHINGTON
AUTHORIZED SIGNATURE(S):**

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City of Bothell™

City Council
Agenda Bill
AB # 20-041

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Paul Byrne, Legal (Presenter)

DATE: March 17, 2020

SUBJECT: Consideration of a Resolution Ratifying a Proclamation of Local Emergency

POLICY CONSIDERATION: This item asks the City Council to consider ratification of a proclamation of local emergency signed and dated by Mayor Olsen on March 5, 2020. If approved, it has the potential to impact the residents of Bothell and neighboring jurisdictions by allowing the City to continue its emergency efforts to mitigate the impact of the COVID-19 endemic.

HISTORY:	DATE	ACTION
	MARCH 5, 2020	Mayor Olsen signs proclamation of local emergency

DISCUSSION: In late 2019, a new coronavirus, now known as COVID-19, was detected in China. COVID-19 has now been detected in seventy (70) locations internationally, including Western Washington, and has been the cause of several local deaths. Residents from both Kirkland and Bothell have tested positive for COVID-19.

In order to allow the City to help mitigate the spread of this highly contagious virus, Mayor Olsen signed a proclamation of local emergency. The proclamation authorizes the City to respond to this deadly endemic by allowing the City to enter into contracts and incur obligations necessary to protect the health and safety of persons and property, and provide appropriate emergency assistance without regard to time consuming procedures and formalities prescribed by law.

FISCAL IMPACTS: There are no budgetary impacts regarding the confirmation of the proclamation. Any unbudgeted impacts arising as a result of emergency purchasing will be brought to Council as a Budget Amendment.

ATTACHMENTS:

Att-1.	Resolution Confirming Proclamation of Local Emergency
Att-2.	Proclamation of Local Emergency

RECOMMENDED ACTION: Approve the Resolution Ratifying the Proclamation of Local Emergency.

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RESOLUTION NO. _____ (2020)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOTHELL,
WASHINGTON RATIFYING A PROCLAMATION OF LOCAL
EMERGENCY

WHEREAS, a new coronavirus, now known as COVID-19, was first detected in China and has now been detected in seventy (70) locations internationally; and

WHEREAS, on March 5, 2020, the Mayor issued an emergency proclamation to allow the city to provide appropriate emergency assistance to the COVID-19 endemic,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL,
WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Proclamation of Local Emergency issued by the Mayor is hereby ratified. Said Proclamation is attached hereto and adopted by the City Council as its own by reference thereto.

Section 2. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers and any references thereto.

PASSED this _____ day of _____, 2020.

APPROVED:

LIAM OLSEN
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO.: _____ (2020)

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City of Bothell™

Proclamation of Local Emergency for the City of Bothell

WHEREAS, a new coronavirus, now known as COVID-19, was detected in China; and

WHEREAS, COVID-19 has now been detected in seventy (70) locations internationally;
and

WHEREAS, the City of Kirkland Fire Department was notified of potential exposure to the COVID-19 virus through patient contact after responding to multiple calls for service over a week-long period to a Kirkland nursing care facility that has since been identified as a COVID-19 outbreak location; and

WHEREAS, the City of Kirkland borders the City of Bothell; and

WHEREAS, the King County Health District has confirmed a case COVID-19 within the Bothell City Limits; and

WHEREAS, both King and Snohomish Counties have identified persons testing positive for and dying from COVID-19; and

WHEREAS, the Center for Disease Control (CDC) has classified COVID-19 as endemic within this region;

NOW, THEREFORE, IT IS PROCLAIMED BY THE MAYOR OF THE CITY OF BOTHELL that an emergency exists in the City of Bothell as a result of the aforementioned conditions and, therefore:

Section 1. City of Bothell departments are authorized to do the following:

- (A) to exercise the powers vested under this proclamation in light of the exigencies and demands of this dangerous situation without regard to time-consuming procedures and formalities otherwise normally prescribed by law (excepting mandatory constitutional requirements);
- (B) enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety and persons and property; and
- (C) other actions, as appropriate.

Section 2. In order to prepare for, prevent, and respond to this emergency, pursuant to Chapter 2.27 BMC, RCW 35A.34.140, RCW 38.52.070(2), RCW 39.04.280, the requirements of competitive bidding and public notice are hereby waived with reference to any contract relating

to the City's lease or purchase of supplies, equipment, personal services, or public works as defined in 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts. I hereby direct City departments under this proclamation and the Comprehensive Emergency Management Plan to take actions deemed necessary to otherwise mitigate and prevent potential threats to public health and safety and impacts upon publicly-owned infrastructure, including any necessary actions needed to obtain emergency permitting through municipal, county, state, or federal agencies.

Section 3. A copy of this proclamation, to the extent practicable, shall be posted at the City's regular locations for official notices and shall be made available to members of the local news media and general public.

Dated this 5th day of March, 2020.

Signed: Liam Olsen
LIAM OLSEN, MAYOR OF THE CITY OF BOTHELL



City of Bothell™

City Council
Agenda Bill
AB # 20-042

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Erin Leonhart, Public Works Director
Nduta Mbuthia, Capital Projects Engineer, Public Works (Presenter)

DATE: March 17, 2020

SUBJECT: Consideration an Ordinance Initiating Condemnation of Property Needed for the North Creek Trail Section 4 Project

POLICY CONSIDERATION: The City Council previously provided policy direction on this project by adoption of the 2019-2025 Capital Facilities Plan and 2019-2020 Biennial Budget. Specifically, this item asks the City Council to consider if the City should adopt an ordinance initiating condemnation of property needed to implement this project.

The City Council is being asked to establish a legal process by which to acquire the necessary portions of the properties with just compensation, in the event a purchase price cannot be negotiated and mutually agreed upon.

HISTORY:

DATE	ACTION
DECEMBER 2015	City entered into a Local Agency Agreement for Design Phase federal grant funding in the amount of \$735,000
APRIL 2016	Council approved a professional services agreement, with Parametrix Inc., for design and Right of Way (ROW) engineering services for North Creek Trail Section 4
FEBRUARY 2019	City Council approved Supplemental Agreement No. 3 in the amount of \$95,283.23 for continued engineering services for North Creek Trail section 4
JULY 2019	City entered into a Local Agency Agreement for Right of Way federal grant funding in the amount of \$1,015,800
FEBRUARY 2020	City Council approved the Right of Way Plan for the North Creek Trail Section 4 project.

This project is a continuation of the City's efforts over the past decade to complete the North Creek Trail between the University of Washington Bothell/Cascadia College and the portion of the trail that will be constructed by Snohomish County. When complete, this trail will connect the Snohomish County Regional Interurban Trail at McCollum Park in Everett with the King County Regional Sammamish River Trail/Burke-Gilman Trail in Bothell. In 2015, the City was awarded a federal grant that allocated up to \$735,000 towards the design phase of this project.

In April 2016, City Council approved a professional services agreement, with Parametrix Inc., in the amount of \$536,146.74, for design and Right of Way (ROW) engineering services for North Creek Trail Section 4. The City Manager approved two supplements to the original contract, Supplement #1, for a time extension, in October 2017 and Supplement #2, to add \$36,650.48 for right of way and engineering services, in March 2018.

In 2017, staff held a public open house specific to this project at the Bothell Operations Center. Approximately 20 people attended the open house. There were some comments and questions that came up but these did not result in any design changes. Questions such as:

- Would the City consider replacing existing wood fence with concrete sound walls?
- Can the City move the proposed trail alignment toward the roadway?
- How much compensation can I get if my property is affected by the trail?

In 2018, the City was awarded a federal grant that allocated up to \$1,015,800 towards the completion of the right of way (ROW) acquisitions for this project.

DISCUSSION: North Creek Trail Section 4 is the most northerly segment of the North Creek Trail within the Bothell city limits. It will connect to the planned Snohomish County North Creek Trail north of SR 524 and the completed North Creek Trail Section 3 project in Bothell that spans north-south between 214th St SE and SR 524. The trail will be part of a coordinated regional system that will eventually connect the King County Sammamish River/Burke-Gillman regional trail with the Snohomish County Regional Interurban Trail in Everett. Completion of the North Creek Trail will improve safety for pedestrians and bicyclists as well as encourage non-motorized travel between business/employment centers, transit stops, parks, and residential areas.

The City's consultant on this project will finalize the 100 percent design upon completion of the ROW phase; however, sufficient design has been completed

to determine the right of way (ROW) needed for the project. Construction of the first phase is planned to start in early 2021, and be completed by 2023. In order to maintain the schedule and be eligible to obligate federal construction funds in 2021, staff must complete the right of way acquisitions by the end of this year.

There are seven residential properties along the trail's alignment that require partial takes or temporary construction easements. This accounts for all ROW needs for both phases of construction. In order to build the ten (10) foot wide trail with two (2) foot shoulder, and maintain a five (5) foot buffer (planter strip) between the travel lanes and the trail, several strip takes and temporary construction easements are needed from private properties abutting the trail.

Per the WSDOT design manual, a 12-foot paved trail width is desirable and a 10-foot is minimum standard. During the alternative analysis phase, one option that was considered was 5-foot buffer, 12-foot paved trail with 2-foot shoulder. The paved trail width has been reduced to the minimum 10-foot wide to minimize the ROW take across these properties. Once an agreed-upon amount is reached with the property owner, staff will return to Council for final approval of the acquisition.

It is City practice to exhaust all reasonable efforts to reach a negotiated agreement with owners when property is needed for capital improvement projects. However, if agreement cannot be reached in a reasonable time period, condemnation provides a process by which the City can proceed with the project while the amount of compensation is determined following federal and state requirements.

The City's consultant, Parametrix, Inc. hired a sub-consultant/right of way agent that specializes in right of way services to contact the affected property owners within the project vicinity. An introduction letter was mailed out to property owners the week of January 27th, and the right of way agent followed up with phone calls and individual visits the first week of February. During the one-on-one visits, the right of way agent discussed the project scope and notified the owners about the proposed condemnation ordinance scheduled for City Council consideration in March. The approval of this proposed ordinance authorizes the City Attorney to proceed to condemnation if necessary.

The City will negotiate with the parties to complete the necessary ROW acquisition before proceeding with condemnation. However, it takes a significant amount of time to work through the condemnation process. As such, in order to maintain a reasonable schedule and retain grant funding, it is

important to begin the process while negotiations are ongoing. Furthermore, it is important to note that state law requires the adoption of this ordinance in order for a seller to receive an excise tax exemption on the sale of the property for public purpose.

Since this project contains federal funding, right of way acquisition is very prescriptive, and must comply with requirements as outlined in the Washington State Department of Transportation's Local Agency Manual.

FISCAL IMPACTS: This project is included in the Adopted 2019-2020 Budget. For the Right of Way Phase the City's estimated financial contribution of \$230,200 to the project is consistent with the value included in the Adopted Budget and sufficient to fund this agenda item.

ATTACHMENTS:

- Att-1. Vicinity Map
- Att-2. Right of Way Plan
- Att-3. Proposed Ordinance

RECOMMENDED ACTIONS: Approve an ordinance initiating condemnation of property for the North Creek Trail Section 4 project, and authorize the City Manager to acquire the necessary right-of-way for the project, subject to future Council approval of deeds and easements documenting the acquisitions.



Project Map - North Creek Trail Section 4

(From the north terminus of North Creek Trail Section 3 behind the Walgreen Development to Filbert Drive)

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NORTH CREEK TRAIL SECTION 4 FILBERT DRIVE TO NORTH CREEK TRAIL SECTION 3 TERMINUS RIGHT OF WAY PLANS FEDERAL AID # 0110(014)

EXISTING ZONE CLASSIFICATION:

PARCEL DESIGNATION	USE CODE	DESCRIPTION
100-106	111	SINGLE FAMILY RESIDENCE (DETACHED)

CONTACT INFORMATION:

APPLICANT:
CITY OF BOTHELL
PUBLIC WORKS DEPARTMENT
18415 101 AVE NE
BOTHELL, WA 98011
(425) 806-6829
CONTACT: NDUKA MBUTHIA
OWNER:
KING COUNTY PARKS AND RECREATION DIVISION

ENGINEER:
PARAMETRIX
719 2ND AVENUE
SUITE 200
SEATTLE, WA 98104
(206) 394-3700
CONTACT: YAMMIE HO, P.E.

SURVEYOR:
PARAMETRIX
719 2ND AVENUE
SUITE 200
SEATTLE, WA 98104
(206) 394-3700
CONTACT: DANIEL THIBODEAU, PLS

PARCEL INFORMATION:

PLAN DESIGNATION	ASSESSOR PARCEL #
101	0110090000-1900
102	0110090000-1800
103	0110090000-1300
104	0110090000-1200
105	0110090000-1100
106	0110090000-1000
107	2705190040-3300

RIGHT OF WAY REFERENCES

- (RR1) WSDOT RIGHT OF WAY PLAN
SR 524 JCT. SR 5 TO JCT. SR 527
OCTOBER 27, 1995
- (RR2) WSDOT RIGHT OF WAY PLAN
SR 527 MP 2.91 TO MP 3.99
JCT. SR 405 TO 208TH ST. S.E. VIC.
NOVEMBER 21, 1988
- (RR3) WSDOT MONUMENTATION MAP
SR 524 - 196TH STREET VICINITY
UNDATED
- (RR4) SNOHOMISH COUNTY RIGHT OF WAY PLAN
196TH ST. S.W. (S.R. 524)
I-405 TO S.R. 527
SEPTEMBER 21, 1999

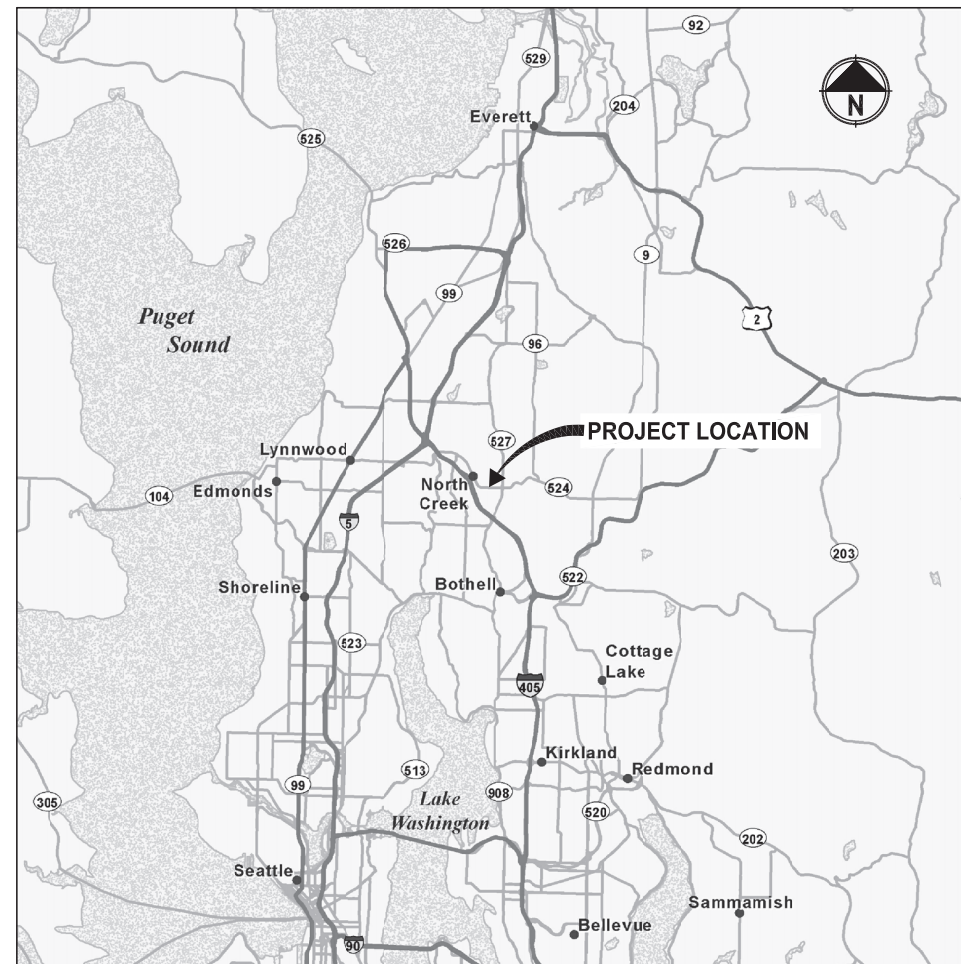
RIGHT OF WAY NOTES

RIGHT OF WAY DETERMINATIONS FOR THIS PLAN SET, WERE MADE BY ANALYZING A COMBINATION OF EXISTING RIGHT OF WAY PLANS LISTED HEREON IN THE RIGHT OF WAY REFERENCES, TOGETHER WITH RECORDED SURVEYS, SUBDIVISION PLATS, TITLE REPORTS, DEEDS & DEDICATIONS, AND FOUND MONUMENTS.

*NOTE SEVERAL CASED MONUMENTS FOUND SOUTH OF THE CENTERLINE OF 208TH ST. SE, WERE INSTALLED BY WSDOT AS CONSTRUCTION MONUMENTS PER (RR3), THESE WERE NOT INTENDED TO BE HELD FOR RIGHT OF WAY DETERMINATIONS.

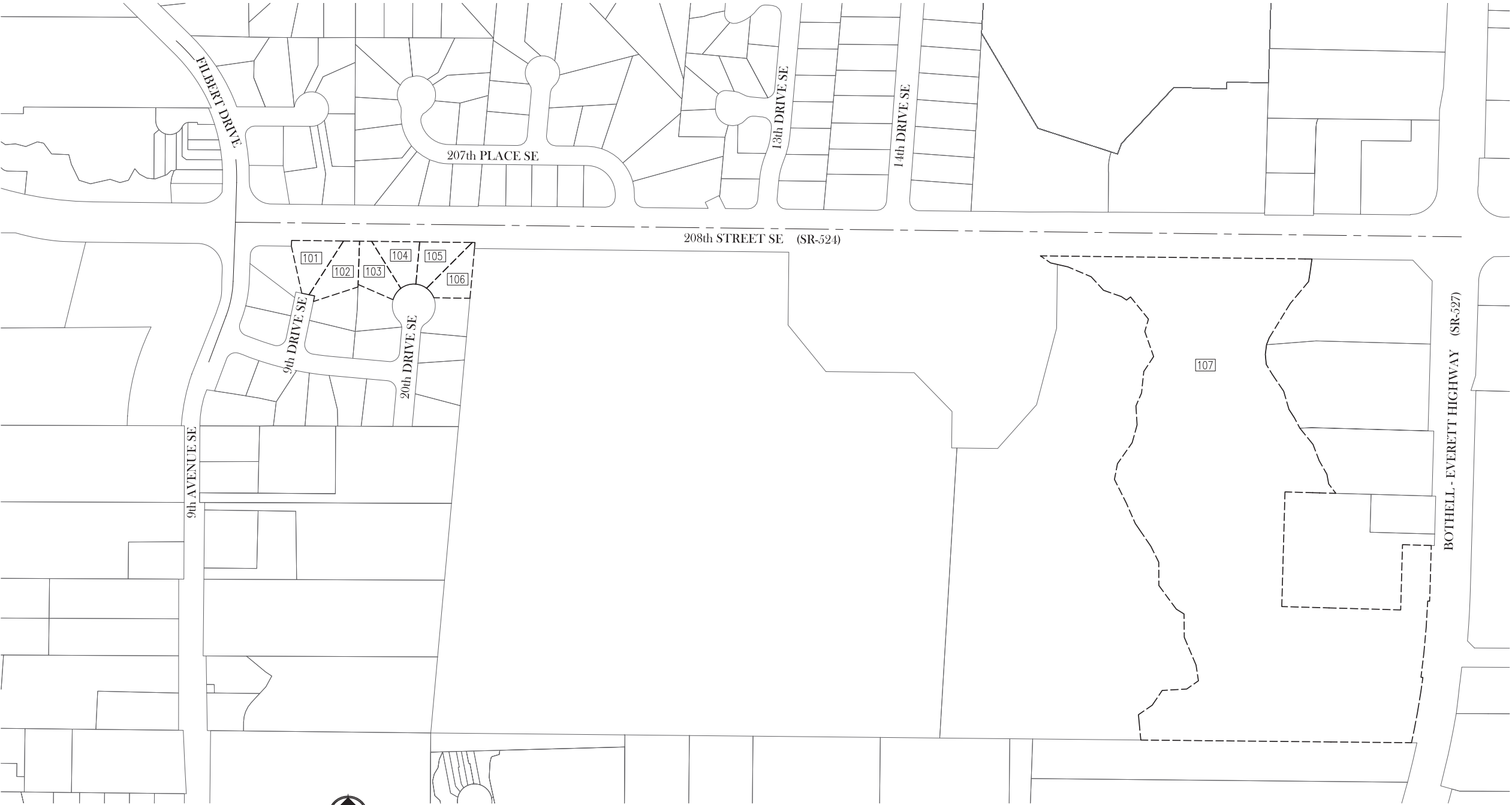


LOCATION MAP
NOT TO SCALE



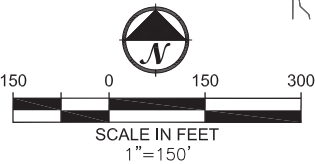
NORTH CREEK TRAIL SECTION 4 RIGHT-OF-WAY PLANS

TOTAL PARCEL DETAIL
SNOHOMISH COUNTY, WASHINGTON
SE 1/4 SECTION19, T.27N., R. 5E., W.M.
SW 1/4 SECTION19, T.27N., R. 5E., W.M.



LEGEND

- 100 IMPACTED PARCEL IDENTIFIER
- IMPACTED PARCEL BOUNDARY LINE
- GIS PARCEL LINES
- STREET CENTERLINE



BASIS OF BEARING
GRID NORTH BASED ON THE WASHINGTON STATE PLANE
COORDINATE SYSTEM NORTH ZONE (NAD 83/2011).



REVISIONS	DATE	BY	DESIGNED
			DRAWN S. THOMAS
			CHECKED D. THIBODEAU
			APPROVED Y. HO

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY
FILE NAME 554-1647-030-RW-PLANS
JOB No. 554-1647-030
DATE 3-18-2019

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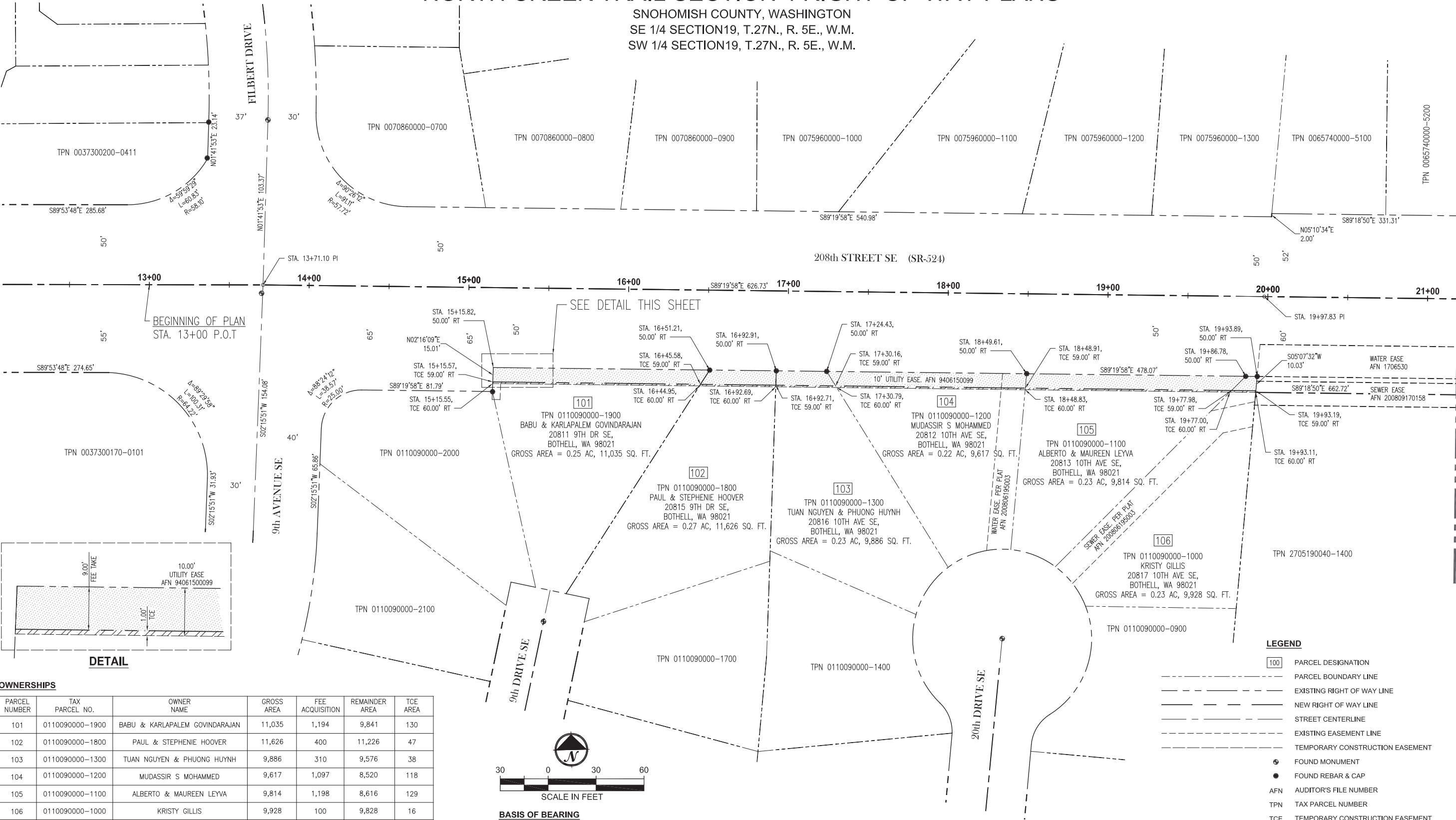
PROJECT NAME
NORTH CREEK TRAIL SECTION 4 FROM FILBERT DR TO NCT SECTION 3
BOTHELL, WA

TOTAL PARCEL DETAIL
March 17, 2020 Agenda Packet Page 30 of 92

DRAWING NO. 50 OF 55
RW2

NORTH CREEK TRAIL SECTION 4 RIGHT-OF-WAY PLANS

SNOHOMISH COUNTY, WASHINGTON
SE 1/4 SECTION 19, T.27N., R. 5E., W.M.
SW 1/4 SECTION 19, T.27N., R. 5E., W.M.



OWNERSHIPS

PARCEL NUMBER	TAX PARCEL NO.	OWNER NAME	GROSS AREA	FEE ACQUISITION	REMAINDER AREA	TCE AREA
101	0110090000-1900	BABU & KARLAPALEM GOVINDARAJAN	11,035	1,194	9,841	130
102	0110090000-1800	PAUL & STEPHENIE HOOVER	11,626	400	11,226	47
103	0110090000-1300	TUAN NGUYEN & PHUONG HUYNH	9,886	310	9,576	38
104	0110090000-1200	MUDASSIR S MOHAMMED	9,617	1,097	8,520	118
105	0110090000-1100	ALBERTO & MAUREEN LEYVA	9,814	1,198	8,616	129
106	0110090000-1000	KRISTY GILLIS	9,928	100	9,828	16
107	2705190040-3300	MR. KITTY ENTERPRISES LLC	586,750	327	586,423	6,766

PARCEL TOTAL AREAS WERE DERIVED FROM SNOHOMISH COUNTY ASSESSOR REPORTS AND DOES NOT REFLECT A BOUNDARY CALCULATION BY PARAMETRIX

ALL AREAS SHOWN IN SQUARE FEET

LEGEND

- 100 PARCEL DESIGNATION
- PARCEL BOUNDARY LINE
- EXISTING RIGHT OF WAY LINE
- NEW RIGHT OF WAY LINE
- STREET CENTERLINE
- EXISTING EASEMENT LINE
- TEMPORARY CONSTRUCTION EASEMENT
- FOUND MONUMENT
- FOUND REBAR & CAP
- AFN AUDITOR'S FILE NUMBER
- TPN TAX PARCEL NUMBER
- TCE TEMPORARY CONSTRUCTION EASEMENT
- FEE ACQUISITION
- TEMPORARY CONSTRUCTION EASEMENT

LAYOUT: Sheet 3
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PLOTTED BY: thibodeau DATE: Monday, March 18, 2019 7:04:35 PM

REVISIONS	DATE	BY	DESIGNED
			DRAWN S.THOMAS
			CHECKED D.THIBODEAU
			APPROVED Y.HO

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY
FILE NAME 554-1647-030-RW-PLANS
JOB No. 554-1647-030
DATE 3-18-2019



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PROJECT NAME

NORTH CREEK TRAIL SECTION 4
FROM FILBERT DR TO NCT SECTION 3

BOTHELL, WA

208TH STREET SE
STA. 13+00 TO 21+20

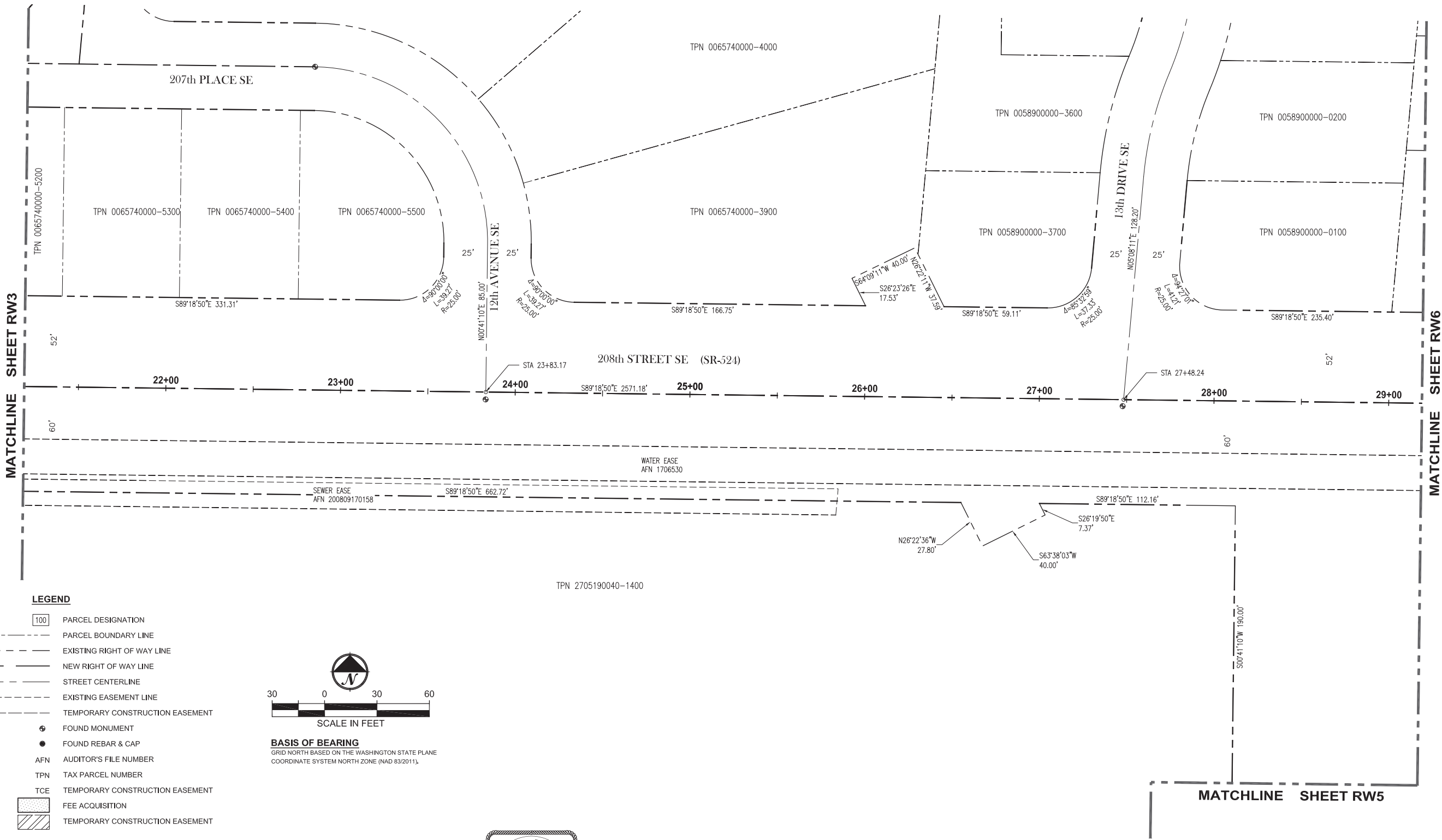
March 17, 2020 Agenda Packet Page 31 of 92

DRAWING NO.
51 OF 55

RW3

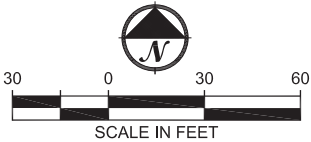
NORTH CREEK TRAIL SECTION 4 RIGHT-OF-WAY PLANS

SNOHOMISH COUNTY, WASHINGTON
SE 1/4 SECTION19, T.27N., R. 5E., W.M.
SW 1/4 SECTION19, T.27N., R. 5E., W.M.



LEGEND

- 100 PARCEL DESIGNATION
- PARCEL BOUNDARY LINE
- EXISTING RIGHT OF WAY LINE
- NEW RIGHT OF WAY LINE
- STREET CENTERLINE
- EXISTING EASEMENT LINE
- TEMPORARY CONSTRUCTION EASEMENT
- ⊕ FOUND MONUMENT
- FOUND REBAR & CAP
- AFN AUDITOR'S FILE NUMBER
- TPN TAX PARCEL NUMBER
- TCE TEMPORARY CONSTRUCTION EASEMENT
- ▨ FEE ACQUISITION
- ▨ TEMPORARY CONSTRUCTION EASEMENT



BASIS OF BEARING
GRID NORTH BASED ON THE WASHINGTON STATE PLANE
COORDINATE SYSTEM NORTH ZONE (NAD 83/2011).



REVISIONS	DATE	BY	DESIGNED
			DRAWN S. THOMAS
			CHECKED D. THIBODEAU
			APPROVED Y. HO

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY
FILE NAME 554-1647-030-RW-PLANS
JOB No. 554-1647-030
DATE 3-18-2019

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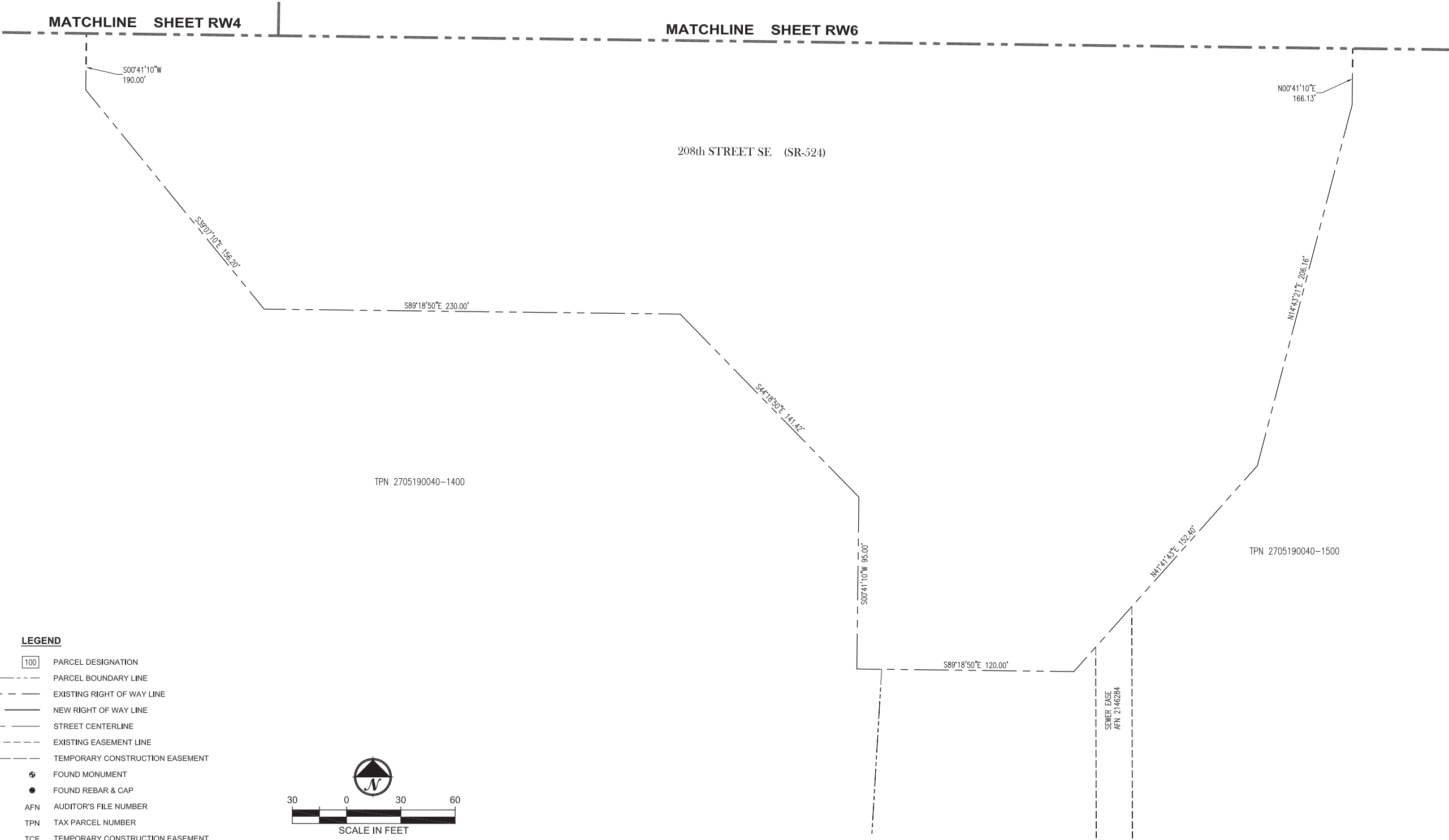
PROJECT NAME
**NORTH CREEK TRAIL SECTION 4
FROM FILBERT DR TO NCT SECTION 3**
BOTHELL, WA

**208TH STREET SE
STA. 21+20 TO 29+20**
March 17, 2020 Agenda Packet Page 32 of 92

DRAWING NO.
52 OF 55
RW4

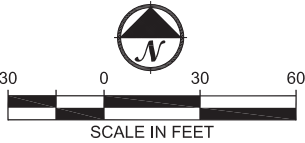
NORTH CREEK TRAIL SECTION 4 RIGHT-OF-WAY PLANS

SNOHOMISH COUNTY, WASHINGTON
SE 1/4 SECTION19, T.27N., R. 5E., W.M.
SW 1/4 SECTION19, T.27N., R. 5E., W.M.



LEGEND

- 100 PARCEL DESIGNATION
- PARCEL BOUNDARY LINE
- EXISTING RIGHT OF WAY LINE
- NEW RIGHT OF WAY LINE
- STREET CENTERLINE
- EXISTING EASEMENT LINE
- TEMPORARY CONSTRUCTION EASEMENT
- FOUND MONUMENT
- FOUND REBAR & CAP
- AFN AUDITOR'S FILE NUMBER
- TPN TAX PARCEL NUMBER
- TCE TEMPORARY CONSTRUCTION EASEMENT
- [Pattern] FEE ACQUISITION
- [Pattern] TEMPORARY CONSTRUCTION EASEMENT



BASIS OF BEARING
GRID NORTH BASED ON THE WASHINGTON STATE PLANE
COORDINATE SYSTEM NORTH ZONE (NAD 83/2011).

REVISIONS	DATE	BY	DESIGNED
			DRAWN S.THOMAS
			CHECKED D.THIBODEAU
			APPROVED Y.HO

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY
FILE NAME 554-1647-030-RW-PLANS
JOB No. 554-1647-030
DATE 3-18-2019



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PROJECT NAME
NORTH CREEK TRAIL SECTION 4 FROM FILBERT DR TO NCT SECTION 3
BOTHELL, WA

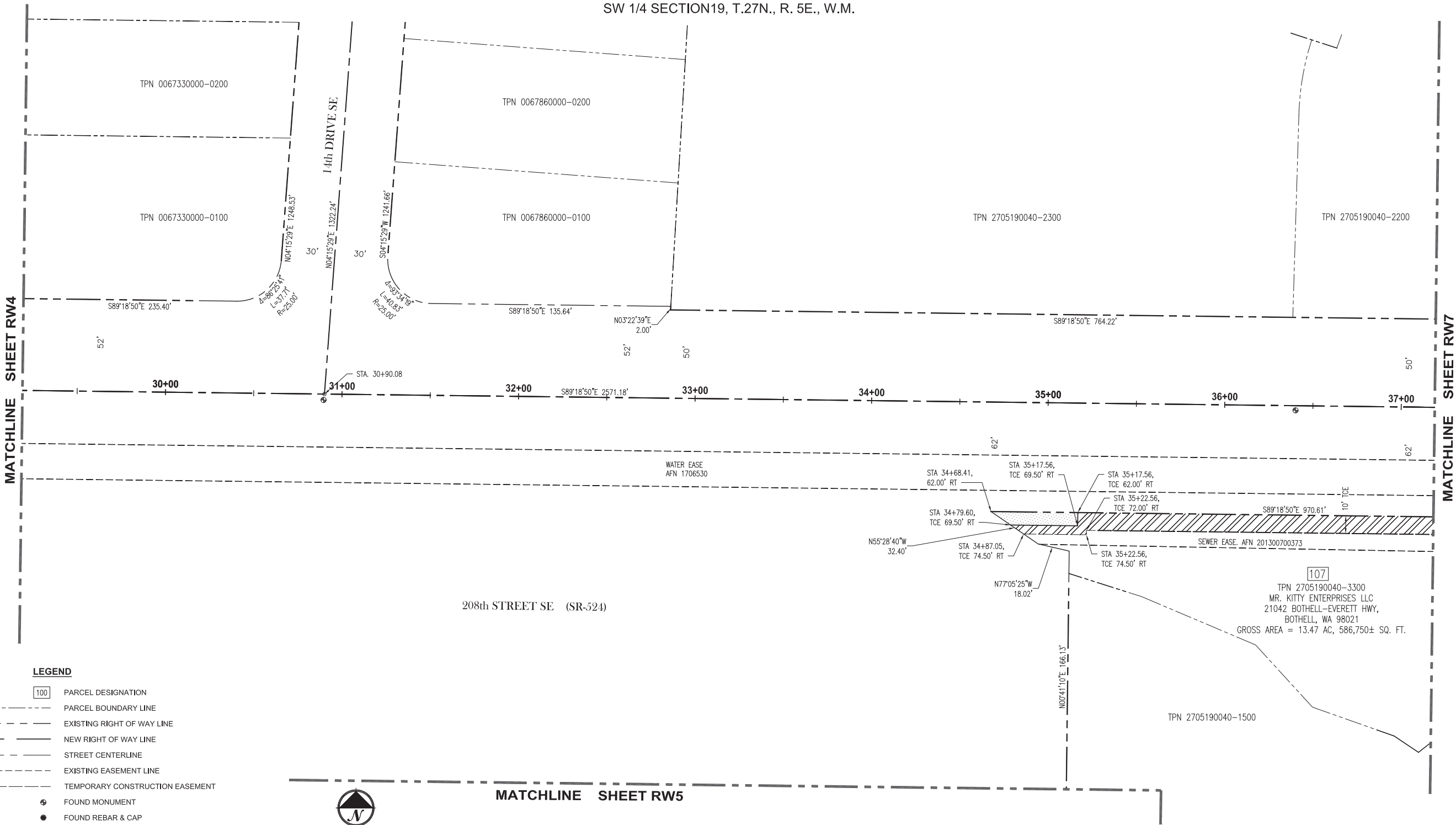
208TH STREET SE
SOUTH RIGHT OF WAY AREA
March 17, 2020 Agenda Packet Page 33 of 92

DRAWING NO. 53 OF 55
RW5

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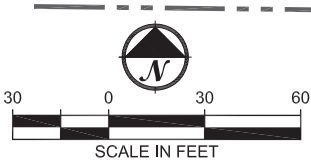
NORTH CREEK TRAIL SECTION 4 RIGHT-OF-WAY PLANS

SNOHOMISH COUNTY, WASHINGTON
SE 1/4 SECTION19, T.27N., R. 5E., W.M.
SW 1/4 SECTION19, T.27N., R. 5E., W.M.

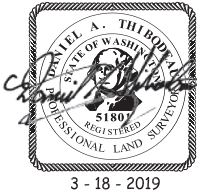


LEGEND

- 100 PARCEL DESIGNATION
- PARCEL BOUNDARY LINE
- EXISTING RIGHT OF WAY LINE
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- STREET CENTERLINE
- EXISTING EASEMENT LINE
- TEMPORARY CONSTRUCTION EASEMENT
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- TCE TEMPORARY CONSTRUCTION EASEMENT
- FEE ACQUISITION
- TEMPORARY CONSTRUCTION EASEMENT



BASIS OF BEARING
GRID NORTH BASED ON THE WASHINGTON STATE PLANE
COORDINATE SYSTEM NORTH ZONE (NAD 83/2011).



REVISIONS	DATE	BY	DESIGNED
			DRAWN S. THOMAS
			CHECKED D. THIBODEAU
			APPROVED Y. HO

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FILE NAME 554-1647-030-RW-PLANS
JOB No. 554-1647-030
DATE 3-18-2019

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PROJECT NAME
**NORTH CREEK TRAIL SECTION 4
FROM FILBERT DR TO NCT SECTION 3**
BOTHELL, WA

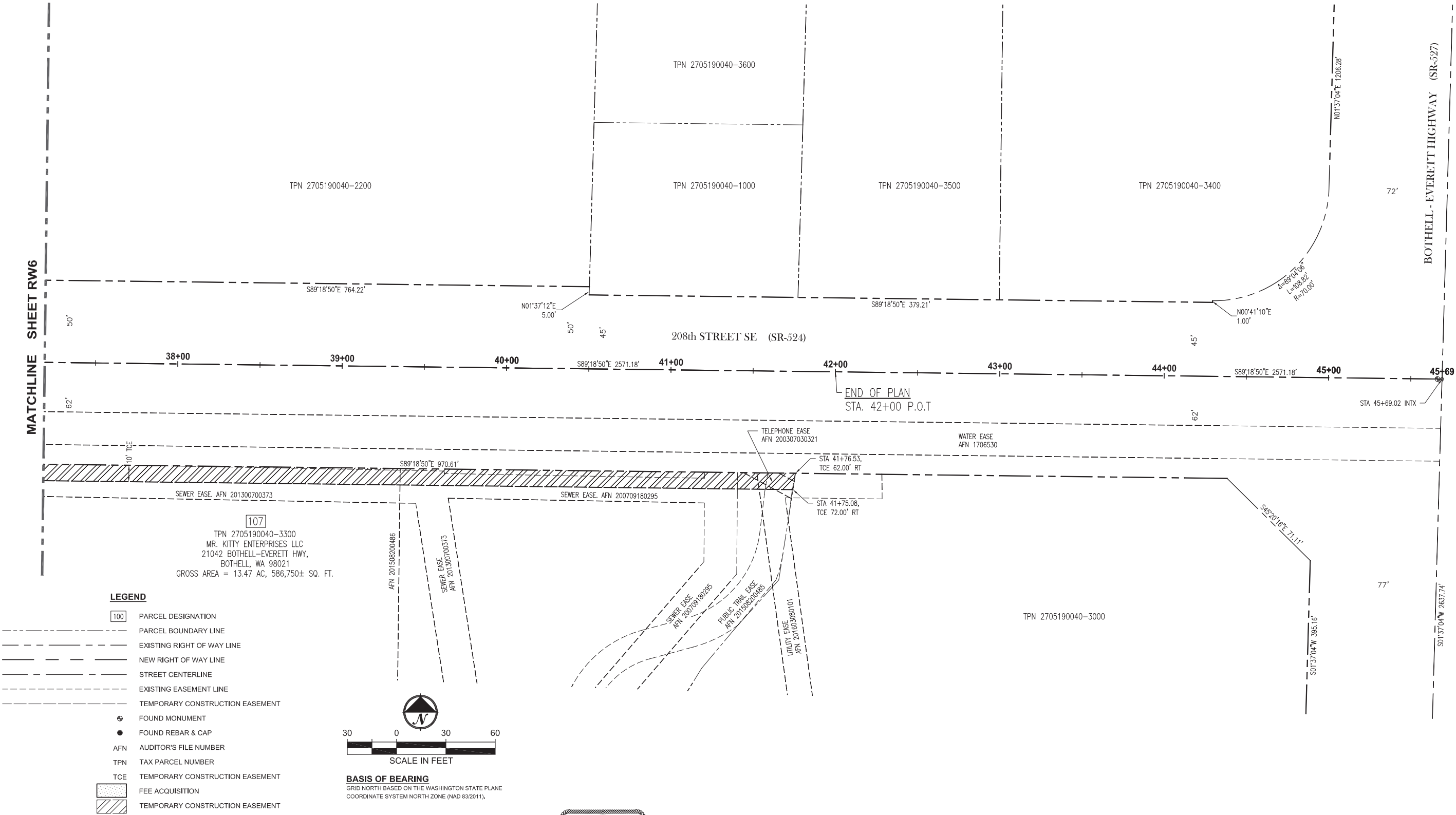
**208TH STREET SE
STA 29+20 TO 37+20**
March 17, 2020 Agenda Packet Page 34 of 92

DRAWING NO.
54 OF 55
RW6

NORTH CREEK TRAIL SECTION 4 RIGHT-OF-WAY PLANS

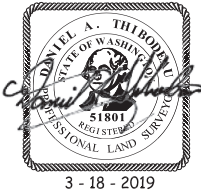
SNOHOMISH COUNTY, WASHINGTON
SE 1/4 SECTION19, T.27N., R. 5E., W.M.
SW 1/4 SECTION19, T.27N., R. 5E., W.M.

LAYOUT: Sheet 7
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PLOTTED BY: thibodeau DATE: Monday, March 18, 2019 6:59:57 PM



REVISIONS	DATE	BY	DESIGNED
			DRAWN S. THOMAS
			CHECKED D. THIBODEAU
			APPROVED Y. HO

ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY
FILE NAME 554-1647-030-RW-PLANS
JOB No. 554-1647-030
DATE 3-18-2019



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PROJECT NAME
NORTH CREEK TRAIL SECTION 4 FROM FILBERT DR TO NCT SECTION 3
BOTHELL, WA

208TH STREET SE
STA. 37+20 TO 45+70
March 17, 2020 Agenda Packet Page 35 of 92

DRAWING NO. 55 OF 55
RW7

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ORDINANCE NO. _____ (2020)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF A CERTAIN PORTION OF PROPERTY IN THE CITY OF BOTHELL NECESSARY FOR THE CONSTRUCTION OF NORTH CREEK SECTION 4 PROJECT; DIRECTING STAFF TO EXHAUST ALL REASONABLE NEGOTIATION EFFORTS TO PURCHASE PROPERTY AND PROPERTY RIGHTS NECESSARY FOR THE PROJECT; DESCRIBING THE PUBLIC CONVENIENCE, USE AND NECESSITY OF SUCH PROPERTY; PROVIDING FOR THE CONDEMNATION, APPROPRIATION AND USE OF THE PROPERTY, PROVIDING THE MODE OF PAYMENT OF COST OF ACQUISITION OF THE PROPERTY; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE SUCH ACTION IN KING COUNTY SUPERIOR COURT IN THE EVENT DIRECT PURCHASE EFFORTS ARE NOT SUCCESSFUL

WHEREAS, the acquisition of the real properties described in Section 1 below is necessary for the construction of the North Creek Trail Section 4 Project and

WHEREAS, the City continues to negotiate the purchase of all necessary property rights for the North Creek Trail Section 4 Project from the property owners, but has yet to conclude the purchase of the properties; and

WHEREAS, the City Council finds that said property and property rights are critical to the North Creek Trail Section 4 Project and it is in the public interest to have and use such property for public health, safety, welfare and transportation needs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Need for Properties. The public health, safety, welfare, necessity and convenience demand that North Creek Trail Section 4 be constructed, and that certain properties be condemned, appropriated, taken and damaged for the construction and future maintenance of said improvements, all as provided by this ordinance, including the real properties and improvements thereto situate in Bothell, King County, State of Washington, legally described in Exhibit A, attached hereto.

Section 2. Declaration of Necessity. The City Council of the City of Bothell, after hearing the report of the City Staff, and reviewing the planned improvements for the properties, hereby declares that the properties described in **Exhibit A** hereto are necessary for public use, i.e., for the North Creek Trail Section 4 Project, together with all necessary appurtenances, maintenance and related work, collectively known as the North Creek Trail Section 4 Project.

Section 3. Costs of acquisition. The costs of the acquisition provided for by this ordinance shall be paid by the capital projects fund of the City of Bothell, or such other funds of the City of Bothell as may be provided by law.

Section 4. Authority of Attorney. The City Attorney or special outside legal counsel retained for prosecution of this condemnation action, are hereby directed to exhaust reasonable efforts through direct negotiations to acquire the necessary property. In the event reasonable negotiation efforts are not successful with affected property owners, the City Attorney or special outside legal counsel are hereby authorized and directed to begin and prosecute actions and proceedings in a manner provided by law to condemn, take, damage, and appropriate the real properties necessary to carry out the provisions of this ordinance, described in Section 1 herein. In conducting such condemnation proceedings, the City Attorney or special outside legal counsel are hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 7. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

APPROVED:

LIAM OLSEN
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2020)

SUMMARY OF ORDINANCE NO. _____ (2020)

City of Bothell, Washington

On the _____ day of _____, 2020, the City Council of the City of Bothell passed Ordinance No. _____ (2020). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF A CERTAIN PORTION OF PROPERTY IN THE CITY OF BOTHELL NECESSARY FOR THE CONSTRUCTION AND MAINTENANCE OF NORTH CREEK SECTION 4 PROJECT, DIRECTING STAFF TO EXHAUST ALL REASONABLE NEGOTIATION EFFORTS TO PURCHASE PROPERTY NECESSARY FOR THE PROJECT, DESCRIBING THE PUBLIC CONVENIENCE, USE AND NECESSITY OF SUCH PROPERTY; PROVIDING FOR THE CONDEMNATION, APPROPRIATION AND USE OF THE PROPERTY, PROVIDING THE MODE OF PAYMENT OF COST OF ACQUISITION OF THE PROPERTY; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE SUCH ACTION IN KING COUNTY SUPERIOR COURT IN THE EVENT DIRECT PURCHASE EFFORTS ARE NOT SUCCESSFUL

The full text of this Ordinance will be mailed upon request.

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2020)

Exhibit A
Legal Descriptions

RIGHT OF WAY ACQUISITION DESCRIPTION

20817 10TH AVENUE SE

TAX PARCEL NUMBER 0110090000-1000

A PORTION OF LOT 10, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 9.00 FEET OF SAID LOT 10.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 101 SQUARE FEET, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT

20817 10TH AVENUE SE

TAX PARCEL NUMBER 0110090000-1000

A PORTION OF LOT 10, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10.00 FEET OF SAID LOT 10;

EXCEPT THE NORTH 9.00 FEET THEREOF.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 16 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY ACQUISITION DESCRIPTION

20813 10TH AVENUE SE

TAX PARCEL NUMBER 0110090000-1100

A PORTION OF LOT 11, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 9.00 FEET OF SAID LOT 11.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 1,198 SQUARE FEET, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT

20813 10TH AVENUE SE

TAX PARCEL NUMBER 0110090000-1100

A PORTION OF LOT 11, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10.00 FEET OF SAID LOT 11;

EXCEPT THE NORTH 9.00 FEET THEREOF.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 129 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY ACQUISITION DESCRIPTION

20812 10TH AVENUE SE

TAX PARCEL NUMBER 0110090000-1200

A PORTION OF LOT 12, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 9.00 FEET OF SAID LOT 12.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 1,098 SQUARE FEET, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT

20812 10TH AVENUE SE

TAX PARCEL NUMBER 0110090000-1200

A PORTION OF LOT 12, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10.00 FEET OF SAID LOT 12;

EXCEPT THE NORTH 9.00 FEET THEREOF.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 119 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY ACQUISITION DESCRIPTION

20816 10TH AVENUE SE

TAX PARCEL NUMBER 0110090000-1300

A PORTION OF LOT 13, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 9.00 FEET OF SAID LOT 13.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 310 SQUARE FEET, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT

20816 10TH AVENUE SE

TAX PARCEL NUMBER 0110090000-1300

A PORTION OF LOT 13, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10.00 FEET OF SAID LOT 13;

EXCEPT THE NORTH 9.00 FEET THEREOF.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 38 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY ACQUISITION DESCRIPTION

20815 9TH DRIVE SE

TAX PARCEL NUMBER 0110090000-1800

A PORTION OF LOT 18, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 9.00 FEET OF SAID LOT 18.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 400 SQUARE FEET, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT

20815 9TH DRIVE SE

TAX PARCEL NUMBER 0110090000-1800

A PORTION OF LOT 18, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10.00 FEET OF SAID LOT 18;

EXCEPT THE NORTH 9.00 FEET THEREOF.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 48 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY ACQUISITION DESCRIPTION

20811 9TH DRIVE SE

TAX PARCEL NUMBER 0110090000-1900

A PORTION OF LOT 19, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 9.00 FEET OF SAID LOT 19.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 1,195 SQUARE FEET, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT

20811 9TH DRIVE SE

TAX PARCEL NUMBER 0110090000-1900

A PORTION OF LOT 19, ACCORDING TO THE PLAT OF MURIEL'S LANDING, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200806195003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10.00 FEET OF SAID LOT 19;

EXCEPT THE NORTH 9.00 FEET THEREOF.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 130 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY ACQUISITION DESCRIPTION

21042 BOTHELL-EVERETT HWY.

TAX PARCEL NUMBER 2705190040-3300

ALL THAT PORTION OF LOT 4, ACCORDING TO BOTHELL SHORT PLAT NO. 2001-00002, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200307095001, AS AMENDED BY AFFIDAVIT OF CORRECTION TO SHORT PLAT, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200312110191, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, SAID SHORT PLAT LYING IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 27 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN; LYING NORTH AND WEST OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH RIGHT OF WAY LINE OF 208TH STREET SE, SAID POINT BEARS SOUTH 89°18'50" EAST, A DISTANCE OF 49.16 FEET FROM THE NORTHWEST CORNER OF SAID LOT;

THENCE SOUTH 00°41'10" WEST, 7.50 FEET;

THENCE NORTH 89°18'50" WEST, 37.97 FEET TO SAID RIGHT OF WAY AND THERE TERMINATING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 327 SQUARE FEET, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT

21042 BOTHELL-EVERETT HWY.

TAX PARCEL NUMBER 2705190040-3300

A PORTION OF LOT 4, ACCORDING TO BOTHELL SHORT PLAT NO. 2001-00002, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200307095001, AS AMENDED BY AFFIDAVIT OF CORRECTION TO SHORT PLAT, AS RECORDED UNDER AUDITOR'S FILE NUMBER 200312110191, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, SAID SHORT PLAT LYING IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 27 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10.00 FEET OF SAID LOT;

EXCEPT THAT PORTION OF SAID LOT LYING NORTH AND WEST OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH RIGHT OF WAY LINE OF 208TH STREET SE, SAID POINT BEARS SOUTH 89°18'50" EAST, A DISTANCE OF 49.16 FEET FROM THE NORTHWEST CORNER OF SAID LOT;

THENCE SOUTH 00°41'10" WEST, 7.50 FEET;

THENCE NORTH 89°18'50" WEST, 37.97 FEET TO SAID RIGHT OF WAY AND THERE TERMINATING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AREA CONTAINS 6,766 SQUARE FEET, MORE OR LESS.



City of Bothell™

City Council
Agenda Bill
AB # 20-043

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Michael Kattermann, Community Development Director
Bruce Blackburn, Senior Planner, Community Development (Presenter)

DATE: March 17, 2020

SUBJECT: Receive a Canyon Park Subarea Plan Briefing and Consider Providing Policy Direction on a Planning Commission Recommendation Regarding a Preferred Land Use Alternative.

POLICY CONSIDERATION: The Council is being asked to consider whether the Planning Commission's recommendation (**Attachment 1**) encompasses the desired direction for drafting the updated plan and regulations for the Canyon Park subarea.

HISTORY:

DATE	ACTION
JUNE 1996	Canyon Park designated a Regional Growth Center (RGC)
JULY 2015	Council commits to undertaking a more thorough update to the Canyon Park Subarea Plan
MARCH 2017	Council initiates the Canyon Park Phase 1 Visioning seeking input from Canyon Park Stakeholders, owners, businesses, and the public
NOVEMBER 2018	Council authorizes Phase 2 of the Canyon Park Update
FEBRUARY 19, 2019	Council initiates Phase 3 of the Canyon Park Update
DECEMBER 6, 2019	Draft Planned Action Environmental Impact Statement (DPAEIS) issued
MARCH 4, 2020	Planning Commission public hearing on a draft preferred land use alternative

The Canyon Park Subarea Update spans three years of data gathering, public engagement, evaluation of alternatives, understanding environmental impacts, and suggesting possible mitigations. The next step is the selection of a preferred alternative that builds upon these previous activities and becomes the basis of a new subarea plan. Once selected, the preferred alternative is further refined and is then subject to even more analysis in the form of a Final

Environmental Impact Statement, a final Subarea Plan, and implementing regulations, which will be presented to City Council for action later this year.

DISCUSSION: The Planning Commission held a public hearing on March 4th to take public testimony and prepare a recommendation on a preferred land use alternative. The Planning Commission recommended preferred land use alternative revises the Mitigated Live-Work Alternative that was contemplated in the DPAEIS and:

- Includes a mix of affordable and market-rate housing, employment, intensities and densities, locations, and allowed uses;
- Considers transportation system improvements that support the preferred land use alternative by facilitating transit, pedestrians, and bikes over single occupant vehicles and some potential extensions to the surrounding street network (e.g., 214th, 219th, 20th Ave SE), but only if preceded by safety improvements and as mitigation for the land use;
- Promotes business and employment retention through the assignment of business-oriented land use designations within a substantial portion of Canyon Park;
- Enhances the natural environment through the preservation of natural features and emphasis on connections to different areas within and outside of the RGC with trails, public spaces, and amenities.

This Planning Commission recommended preferred land use alternative is being referred to as the “Middle Ground Alternative.” The range of alternatives considered are described and analyzed in the PDAEIS, which is available online at <http://www.bothellwa.gov/1176/Canyon-Park-Visioning>.

Attachment 1 contains the Planning Commission’s recommended preferred land use alternative as well as highlights and examples of the type and intensity of development that were the basis for the Commission’s recommendation. The Commission’s amendments to the DPAEIS’s Mitigated Live-Work Alternative include the following:

- Increased development intensity of lands adjacent to the I-405 Bus Rapid Transit (BRT) service to *Office/Residential Mixed-Use - High*
- Added retail/service land uses throughout the RGC to support employment uses
- Separated residential uses from I-405 to avoid air quality impacts of vehicles. Lands immediately adjacent to I-405 would be limited to offices or other commercial uses
- Increased development intensity of lands south of 228th ST SE (known as Canyon Park Place) to *Residential Mixed Use – High*

Attachment 2 contains more detailed information provided to the Planning Commission in the formulation of their recommendation.

Attachment 3 contains the comment letters received and considered by the Planning Commission for the March 4th public hearing. These are provided for the Council's information.

No action is required by the Council at this time. Unless the Council provides other direction to staff, the next steps will be for staff and the consultant team to draft an updated plan and development regulations for the Canyon Park subarea based upon the recommended preferred land use alternative. That process will involve additional engagement with the public and stakeholders as well as review and recommendation by the Planning Commission. The Commission's recommended subarea plan update and development regulations, including the Planned Action EIS, are anticipated to come to Council for consideration in May and for possible action in June.

**FISCAL
IMPACTS:**

This item has no financial implications.

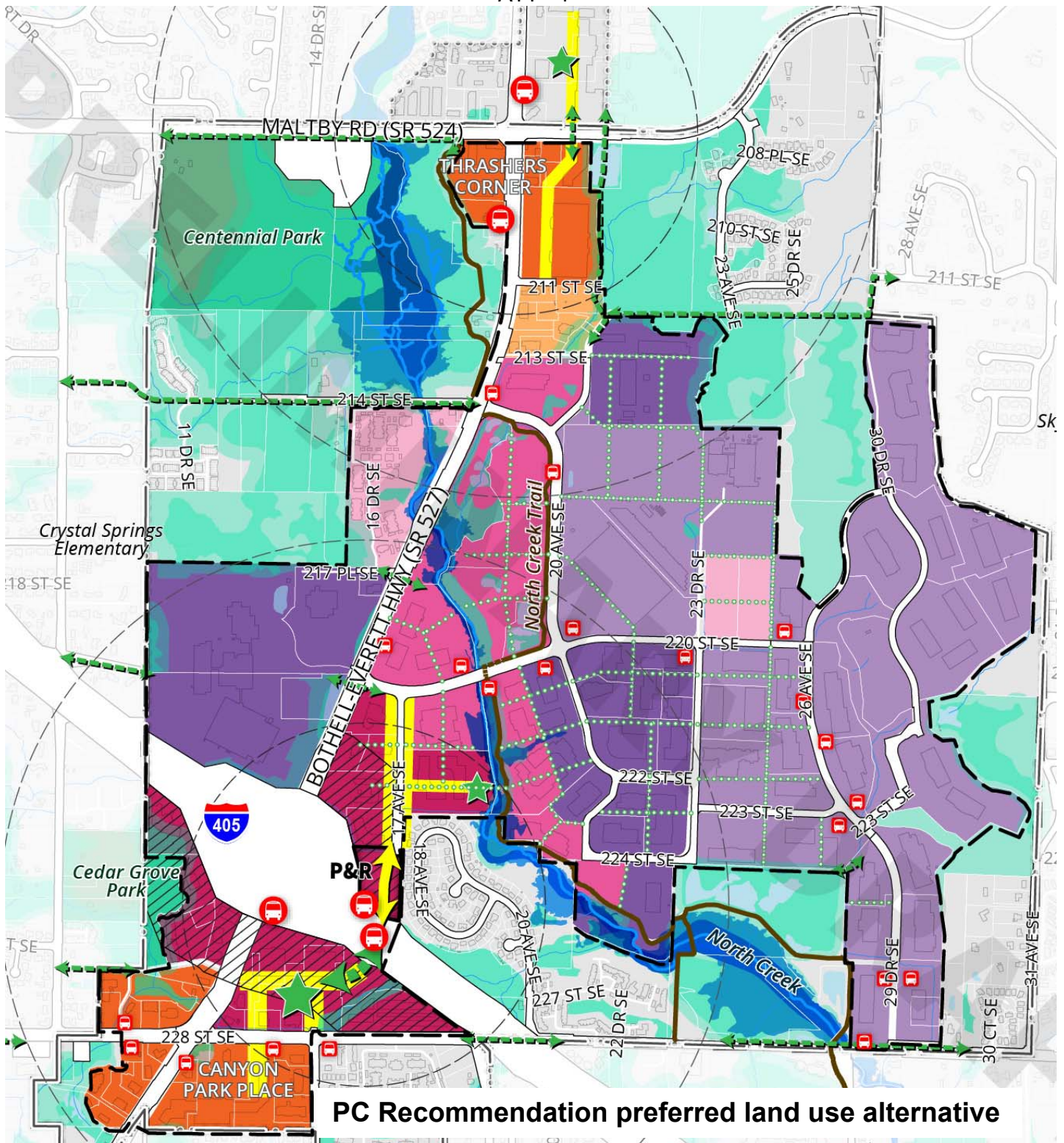
ATTACHMENTS:

1. Planning Commission-recommended preferred land use alternative
2. Preferred Land Use Alternative Report
3. Exhibits from the March 4, 2020 public hearing

**RECOMMENDED
ACTION:**

No formal action is requested at this time. However, staff requests Council direction regarding the preferred land use alternative recommended by the Planning Commission.

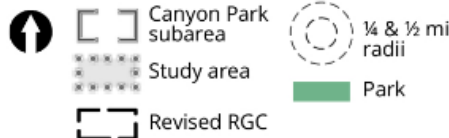
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PC Recommendation preferred land use alternative

0 1/8 1/4 1/2 Miles

0 600 1,200 2,400 Feet



Land Use & Urban Design Proposals

- Office/Residential Mixed Use (MU) - High
- Office/Residential MU - Medium
- Office/Residential MU - Low
- Residential MU - High
- Residential MU - Medium
- Employment - Medium
- Employment - Low
- 500' Air Quality Buffer - Office Only

Paths and Mobility

- Public gathering space
- Nbhd center street
- Through-block connections
- Major proposed ped. improvements
- North Creek Trail
- I-405 Bus Rapid Transit (BRT) or Swift Green Line
- Bus stop
- P&R Park-and-ride

MIDDLE GROUND CONCEPT

PRELIMINARY DRAFT

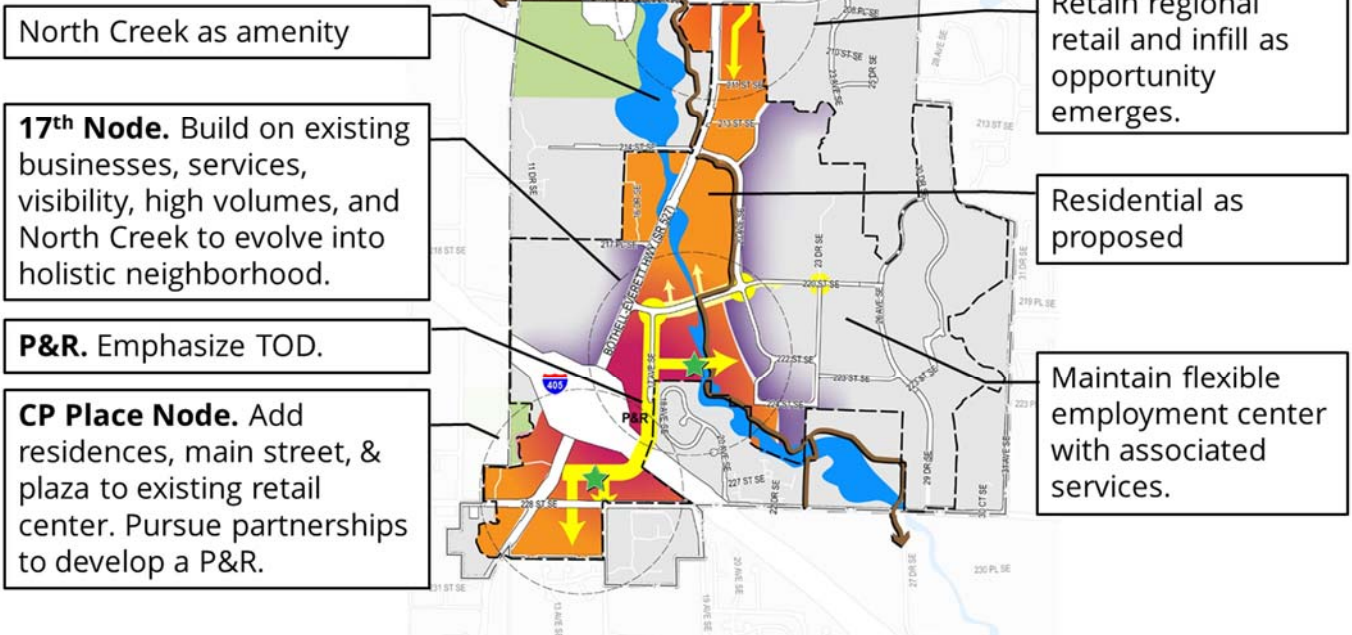


Table of Land Use Designations with minimum and target intensities and densities and example developments

Office/Residential MU – High		
Minimum <ul style="list-style-type: none"> • 0.6 FAR • 90 du/acre 	Target <ul style="list-style-type: none"> • 3.0 FAR or • 133 du/acre 	<p>Above ~ 90 du/acre</p>
		<p>Below ~ 3.5 FAR</p>

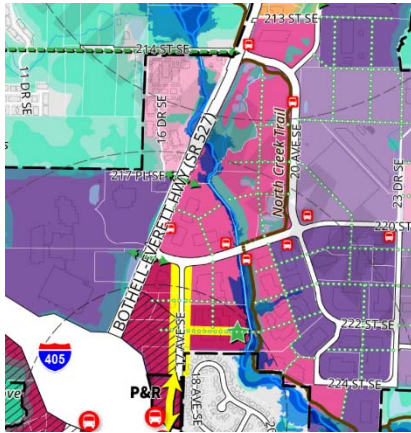
Office/Residential MU – Medium

Minimum

- 0.5 FAR, or
- 45 du/acre

Target

- 1.5 FAR or
- 57 du/acre



Above ~ 0.75 FAR

Below ~1.45 FAR



Office/Residential MU – Low

Minimum

- 0.35 FAR, or
- 25-35 du/acre

Target

- 0.5 FAR or
- 25-35 du/acre



Image © 2020 Google

Above ~ 34 du/acre

Below ~ FAR 0.75



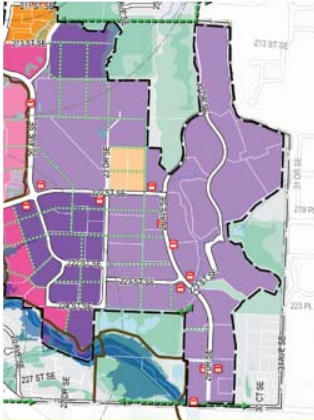
Employment – Low

Minimum

- 0.35 FAR

Target

- 0.5 FAR



Above ~ 0.35 FAR

Below ~0.43 FAR



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Preferred Land Use Alternative Report

Purpose

On March 4, 2020 the Planning Commission crafted a recommendation on a preferred land use alternative allows the Staff Consultant team to conduct additional evaluation of environmental impacts including transportation, land use capacity, employment, housing, and social justice.

At its March 17, 2020 Study Session, the Council is requested to review the Planning Commission Recommendation and provide any Council policy direction.

Public Engagement to date:

Engagement	Date
Open house and online interactive map/survey	Mar-April 2017
Stakeholder focus groups	2017-2018
Survey with Phase 1 stakeholders	Jan 2019
Community-wide survey	Mar 2019
Community Scoping Meeting	Apr 2019
CPBCOA Focus Group	Jul 2019
Interagency Transportation Advisory Group (ITAC) #1	Aug 2019
DEIS Public Comment Period	Dec-Jan 2020
9 th Ave, 214 th St, and 219 th PI Community Workshop	Jan 2020
20 th Ave Workshop	Feb 2020
ITAC #2	Feb 2020
CPBCOA Briefing	Feb 2020
Life Sciences Charrette	Feb 2020

Planning Commission meetings on the preferred land use alternative

- November 20, 2019 – Study Session
- January 22, 2020 – Study Session
- February 19, 2020 – Study Session
- March 4, 2020 – Public Hearing

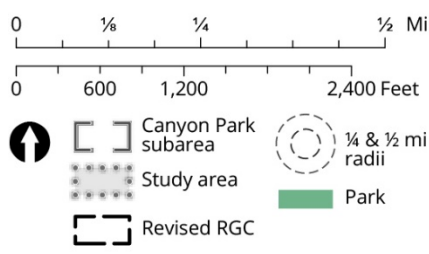
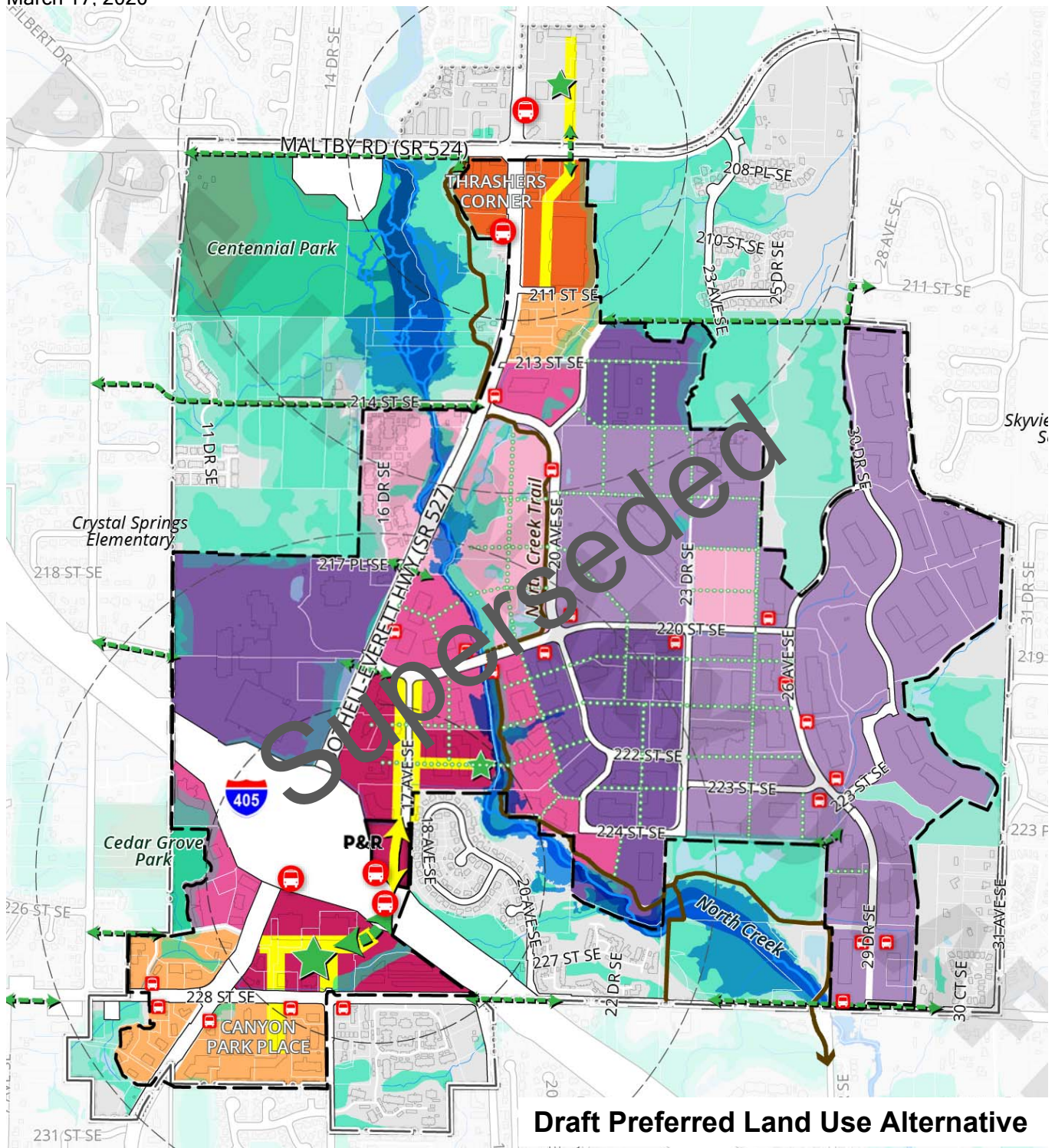
More information

This report is a brief recap of the analysis the City has conducted during the past three years. Detailed information is available on the City's Canyon Park Web Page at:

<http://www.ci.bothell.wa.us/1176/Canyon-Park-Visioning>

Proposed Preferred Alternative

The 'Middle Ground Concept' map on page two of this report (**note:** the Council packet page will be different) demonstrates how the draft preferred land use alternative would focus more intense growth near transit areas and reduce growth the further away from transit. More intense colors and shading represent more intensity and density. The full draft preferred land use alternative map is shown on page three of this report.

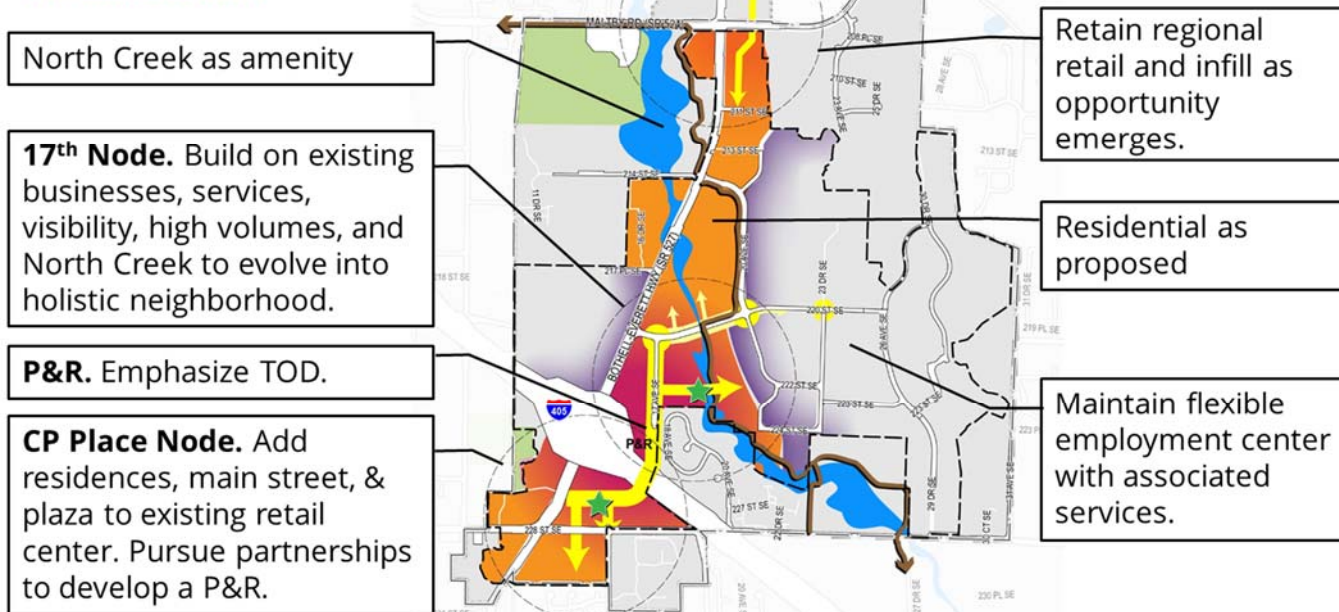


- Land Use & Urban Design Proposals**
- Residential mixed-use (MU) - High
 - Residential MU - Med.
 - Office/Residential - High
 - Office/Residential - Med.
 - Office/Residential - Low
 - Employment - Med.
 - Employment - Low


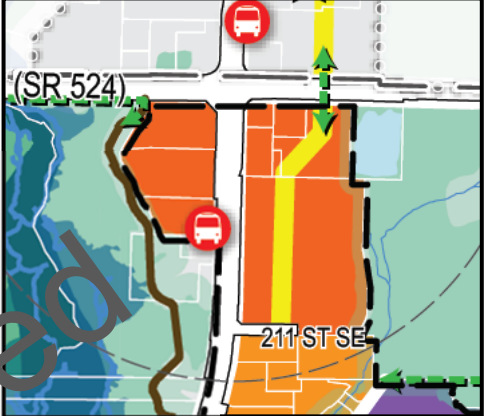
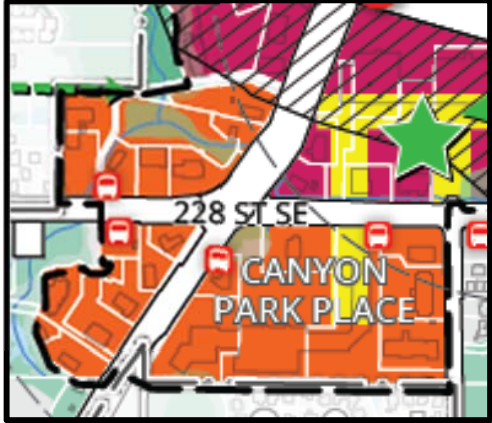
- Paths and Mobility**
- Public gathering space
 - Nbhd center street
 - Through-block connections
 - Major proposed ped. improvements
 - North Creek Trail
 - I-405 Bus Rapid Transit (BRT) or Swift Green Line
 - Bus stop
 - P&R Park-and-ride
- Natural Areas**
- Water body
 - Wetland & buffer
 - Floodway/flood plain
 - River/stream


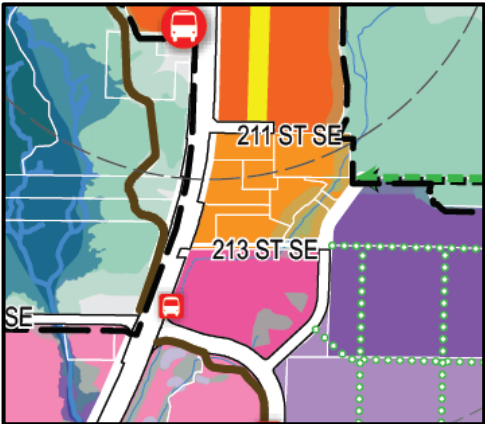



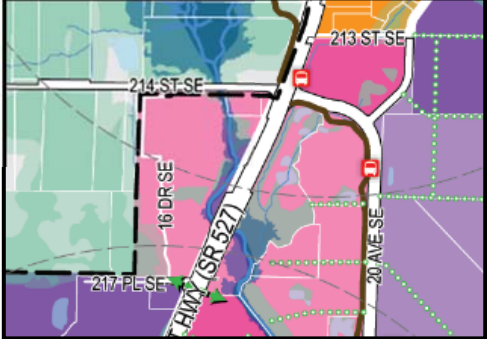
MIDDLE GROUND CONCEPT


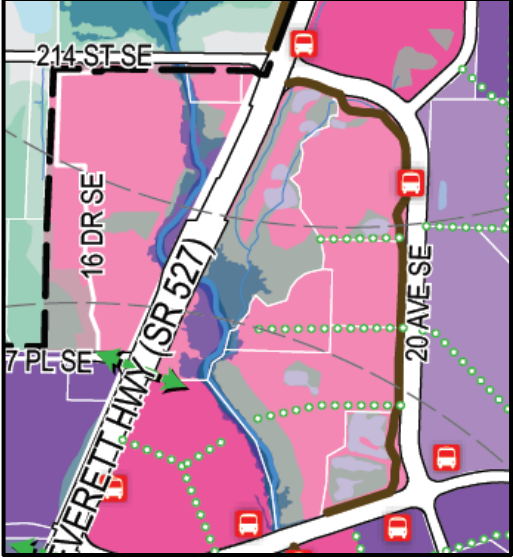

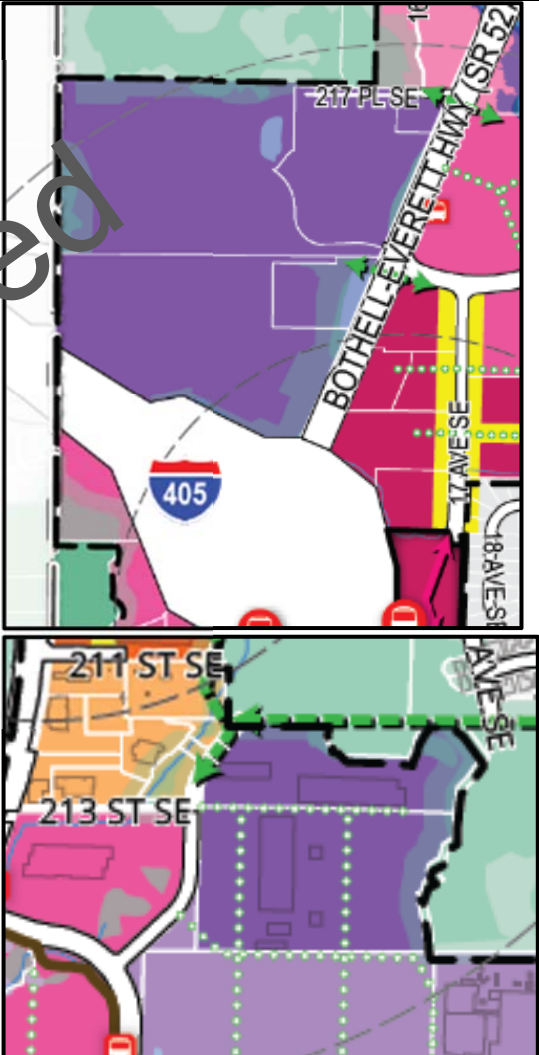
PRELIMINARY DRAFT





Descriptions of Preferred Alternative Land Uses and densities with close-up maps

Land Use Designation	Description	Area
Residential Mixed-use (MU) – High 	Transit Oriented Development (TOD) Minimum • 90 Du/acre Target • 133 du/acre Includes ground floor 'active' uses	 

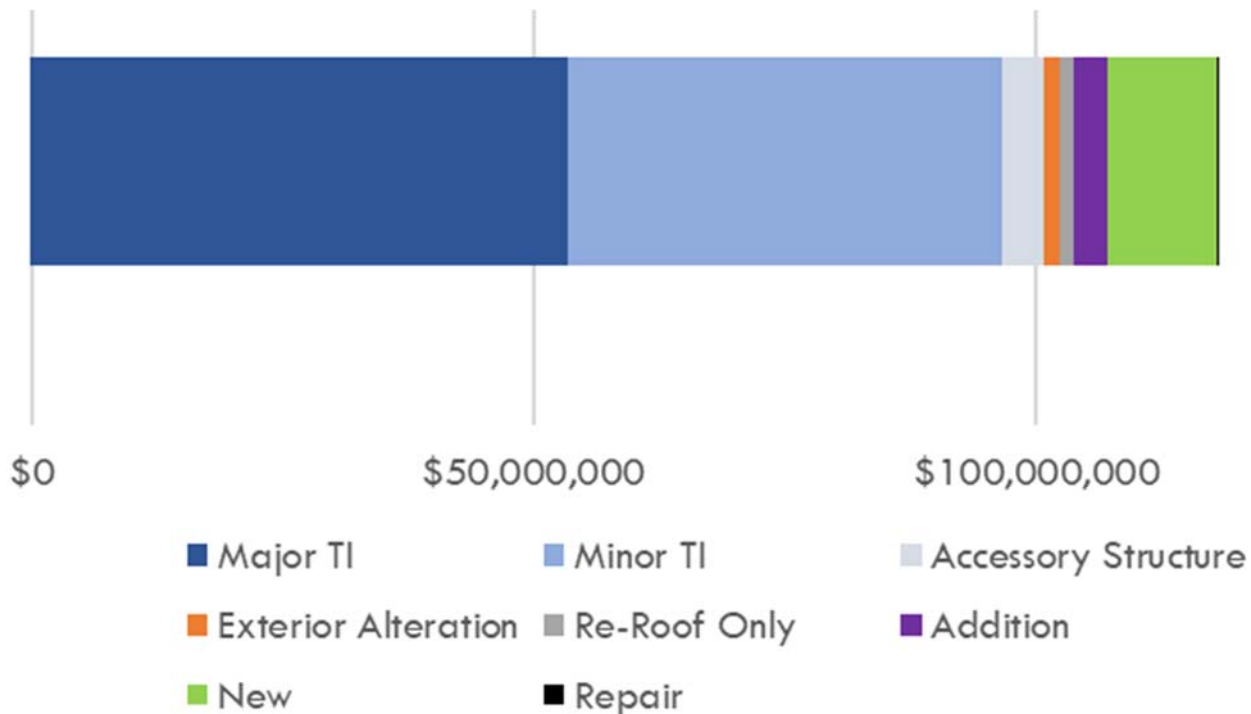
Land Use Designation	Description	Area
Residential Mixed-Use – Medium 	TOD Minimum 45 du/acre Target 57 du/acre Includes ground floor 'active' uses	
Office/Residential MU – High 	Minimum <ul style="list-style-type: none"> • 0.6 FAR • 90 du/acre Target <ul style="list-style-type: none"> • 3.0 FAR • 133 du/acre 	
Office/Residential MU – Medium 	Minimum <ul style="list-style-type: none"> • 0.5 FAR • 45 du/acre Target <ul style="list-style-type: none"> • 1.5 FAR • 57 du/acre 	

Land Use Designation	Description	Area
<p>Office/Residential – Low</p> 	<p>Minimum</p> <ul style="list-style-type: none"> • 0.35 FAR • 25-35 du/acre <p>Target</p> <ul style="list-style-type: none"> • 0.5 FAR • 25-35 du/acre 	
<p>Employment – Medium</p> 	<p>Office, Light Industrial land uses with minimum commercial FAR of 0.5 with a target FAR of 1.5</p>	

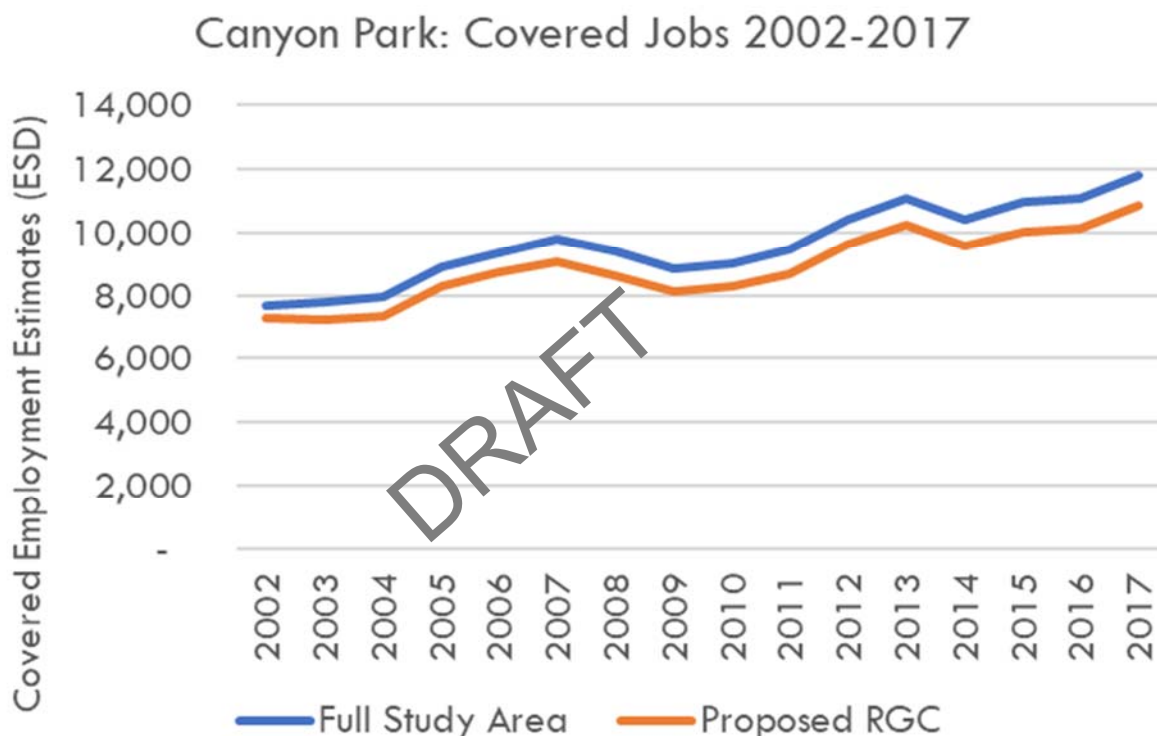
<p>Low</p> 	<p>Office, light industrial land uses with a minimum commercial FAR of 0.35 and a target FAR of 0.5</p>	
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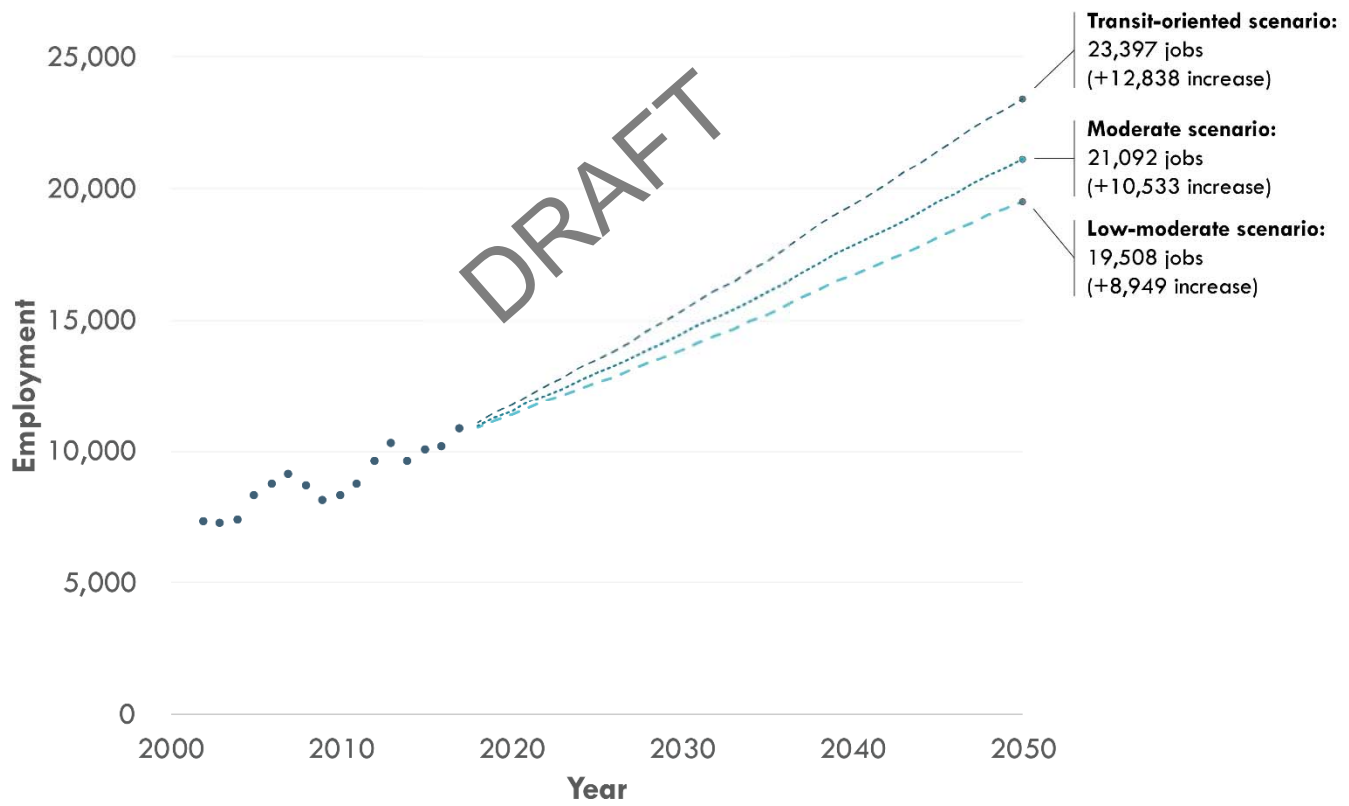
Market analysis

The City's economic consultant has evaluated market conditions and is offering the following preliminary observations.



There has been substantial investment in the RGC over the past 5 years with 298 tenant improvement permits issued representing over \$116 Million in improvements to buildings within Canyon Park.





Source: CoStar, 2020; BERK, 2020.

Preliminary projections of employment growth indicate that, depending upon the scenario evaluated, employment growth is projected to range from approximately 9,000 to 13,000 employees through the year 2050.

Capacity Estimates

Draft updated capacity estimates are provided below:

Net New Housing, Population, and Jobs Capacity

Alternative	Regional Growth Center (RGC)*			
	Dwelling Capacity	Population Capacity	Job Capacity	Total Activity Units
No Action	1,856	3,712	4,530	8,242
Mitigated Live/Work (Middle Ground)	2,816	4,225	9,458	13,683

Table 3. Draft Potential Development Standards

Development Standard	No Action Alternative	Potential Preferred Alternative
Allowed Uses	Current allowances	Fine tune residential use locations to promote business retention and business focus (smaller in this alternative).
Maximum Height	<p>Northeast of I-405:</p> <ul style="list-style-type: none"> 65 feet for buildings containing residential uses; 100 feet for nonresidential uses; Up to 150 feet for certain manufacturing processes. Southwest corner of subarea: 35 feet unless underbuilding parking is provided at 40%, and 10% of the gross floor area is in retail – then up to 65 feet. 	<p>Business park (light purple areas):</p> <ul style="list-style-type: none"> Retain current standards. Southwest of I-405, 17th Ave SE area, and Thrasher's Corner (orange areas): 75 feet for mixed-use residential Refine the requirements for ground floor retail and structured parking. Apply transitional height and setback standards adjacent to residential areas. Live-Work Mitigated propose a similar mix of uses and standards.
Density	Current standards (none but a proposal for 35 DU/ac / 0.4 FAR)	<p>Apply minimum employment and residential densities:</p> <ul style="list-style-type: none"> Within ¼ mile of a bus rapid transit (BRT) stop: minimum density of 0.6 floor area ratio (FAR) or 90 dwelling units (du)/acre and target of 3.0 FAR or 133 du/acre Between ¼ mile and ½ mile of BRT stop: minimum density of 0.5 FAR or 45 du/acre and target of 1.5 FAR or 57 du/acre Beyond ½ mile from BRT stop: minimum density of 35 or 25 du/acre and target of 0.5 FAR or 25 du/acre
Affordable Housing	Current standards	Throughout, require 5% or 10% of units to be affordable to moderate income households, or for non-residential uses, 5% of gross floor area or pay a fee-in-lieu (for example, the figure for downtown is \$11.20/GSF; specific fee amounts will be developed for each area). (See Bothell code for downtown and SR 522 Corridor)
Affordable Commercial Space	No requirements	<p>Remove residential as an allowed use in some areas to support business:</p> <p>1) Set a maximum retail space size and provisions for flexible commercial space to accommodate co-ownership and/or growing businesses.</p>

Development Standard	No Action Alternative	Potential Preferred Alternative
		<p>2) Encourage flexible commercial space to accommodate co-ownership and/or growing businesses.</p> <p>3) Add design guidelines that encourage neighborhood-oriented small businesses on primary streets.</p>
Parking	<p>Current standards:¹</p> <p><u>Residential</u></p> <ul style="list-style-type: none"> 2 stalls per dwelling unit, plus 1 guest parking stall for every 5 dwelling units <p><u>Commercial</u></p> <ul style="list-style-type: none"> 1 stall per 300 square feet (SF) Restaurants: 1 stall per 75 SF in dining or lounge areas; 1 stall per 300 SF elsewhere Manufacturing / warehousing: .9 stalls per 1,000 SF Retail: 1 stall per 300 SF 	<p>Relax parking requirements or set parking maximums with improved transit service to allow for greater employment or housing productivity and affordability and respond to changing mobility trends and investments:</p> <p><u>Residential</u></p> <ul style="list-style-type: none"> TOD mixed-use residential/commercial (within ¼ mile of bus rapid transit stop (BRT)): 1 stall per 450 SF retail + 1 stall per studio or 1-bedroom unit; 1.5 stalls per 2-bedroom unit; and 2.2 stalls per 3-bedroom unit (approximate average 1.25 stalls per unit) Higher density multifamily (between ¼ and ½ mile from BRT): 1.1 stall per studio or 1-bedroom unit; 1.6 stalls per 2-bedroom unit; and 2.4 stalls per 3-bedroom unit (approximate average 1.5 stalls per unit) Residential Mixed-Use beyond ½ mi: 2 stalls per unit <p><u>Commercial</u></p> <ul style="list-style-type: none"> TOD mixed-use office/retail (within ¼ mile of BRT): 1 stall per 500 SF office/retail TOD office/light industrial (within ¼ mile of BRT): 1 stall per 500 SF office/retail + .9 stalls per 1,000 SF light industrial Office/light industrial (further than ¼ mile from BRT): 1 stall per 400 SF office + .9 stalls per 1,000 SF light industrial
Mid-block Connections	None	Require through-block pedestrian connections at least every 300 feet. Where possible, align connections to connect a grid.
Neighborhood Center Street	None	<p>Encourage a “main street” with neighborhood-serving businesses and a lively environment through form-based code and/or design standards:</p> <ul style="list-style-type: none"> Require active ground floors. Require frequent entries (e.g., every 30 feet) to enliven the street and ensure space for small businesses. Encourage creative space options to accommodate small and growing businesses, such as flexible commercial space for co-ownership. <p>Set maximum retail size limits (except for grocery and hardware) or average area to ensure a diversity of sizes.</p>

Development Standard	No Action Alternative	Potential Preferred Alternative
Residential Transition	Current standards	Continue requiring step backs and setbacks adjacent to exclusively residential zones to prevent shadows and respect privacy.
Landscape	Current standards	Throughout the area: <ul style="list-style-type: none"> ▪ Require street trees in planting strips between the street and sidewalk. ▪ Consider a “green factor” or other method of ensuring vegetation replacement. ▪ Require common Usable Public Space for all development. Require private recreation space only in Residential Mixed Use Areas.

¹BMC 12.16.030

Source: Makers, 2019; BERK, 2019.

Recap of DEIS comments regarding preferred alternative

The following are highlighted comments the City received during the DEIS comment period related to the selection of a preferred alternative. All comments received generally requested additional analysis of the transportation system and more extensive transportation mitigation measures. The City will conduct a more extensive transportation analysis once the preferred alternative is selected.

Canyon Park Business Center Owners Association (represent the Canyon Park Business Park)

- The DEIS does not provide sufficient information to determine the feasibility of the redevelopment based on the development standards proposed by the Action Alternatives.
- Residential use in the CPBC is limited to a defined area of 72.75 acres pursuant to the CPBCOA CC&Rs. For the areas proposed for Residential Mixed Use within the CPBC...only 18.09 acres is within the defined area where residential use is permitted by the CC&Rs.
- Please revise the DEIS Capacity Analysis to eliminate residential use from those areas where it is not permitted by the CC&Rs.
- Please document the market availability and land market supply factors used for vacant, re-developable and partially used land in the DEIS Capacity Analysis for all alternatives.
- Please document how compliance with current stormwater regulations will affect the development capacity in the Subarea. The development capacity of a “Pipeline Development” project on Parcel Nos. 27052900204600, 27052900204700, 27053000106400, and 27053000106300 has been reduced for this reason.
- An economic analysis to determine if the proposed densities/intensities would be feasible based on these regulatory assumptions; and,
- A market study to estimate potential absorption of residential mixed use and commercial mixed use over the planning period, given the location and competition within the region and the transportation constraints of the area.
- On balance, these development regulations in the Action Alternatives do not appear to result in sufficient increments of additional capacity over the existing zoning in the No Action Alternative. While the parking reduction could result in additional capacity, that benefit appears to be offset by additional costs of the other new development standards, particularly the stormwater standards.
- Further, the DEIS does not propose any substantial public investment to correct existing transportation deficiencies or to create meaningful public space improvements to mitigate impacts and attract private investment.
- While employment has grown in the CPBC, that growth has occurred within existing buildings, although the methods and sources for that data is not cited in the DEIS. No significant

commercial or mixed use development or redevelopment has occurred, despite the City's past amendments to the Comprehensive Plan and development regulations. The lack of development or redevelopment indicates that private investment is satisfied with returns on existing assets in the CPBC and is unwilling to accept the risks of redevelopment.

- Given the patterns of recent employment growth and the lack of redevelopment activity in the CPBC, please clarify how these new standards will result in large scale redevelopment to achieve the increase in job growth that is projected in the DEIS.
- Despite the regional housing shortage and the fact that it is permitted under the existing zoning, mixed use or mid-rise development has not occurred in the Canyon Park area, signaling that there is insufficient demand, such development is economically infeasible, or both.
- Given the patterns of recent employment growth and the lack of redevelopment activity in the CPBC, please clarify how these new standards will result in large scale redevelopment to achieve the increase in job growth that is projected in the DEIS.

Washington State Department of Transportation

- WSDOT maintains that any operational or other impacts from the proposed action to highways of Statewide Significance (HSS) facilities (I-405 ramp terminals) would need to be mitigated.
- WSDOT is opposed to any proposal that would lower the LOS standards at the I-405 ramp terminals.
- If the standard for SR 524 and SR 527 is not LOS "E/mitigated" per PSRC, please provide reasons why. The PSRC LOS standards (see: <https://www.psrc.org/level-of-service>) for LOS "E/mitigated" include the following description: "The standard for Tier 1 routes is LOS 'E/mitigated,' meaning that congestion should be mitigated (such as transit) when p.m. peak hour LOS falls below LOS 'E.' " If this is the standard being used, the DEIS should provide more information about mitigation.

Sound Transit

- While Sound Transit does not specifically prefer one Draft EIS alternative over the other, it appears that the *Business Plus Alternative* may provide more flexibility to the City in meeting stated growth goals for the Canyon Park subarea, and in supporting goals for residential mixed-use transit-oriented development (TOD).
- Sound Transit applauds the City's ambitious vision for the Canyon Park subarea. The Draft EIS does identify some challenges with transportation and developable land. As a partner with the City, Sound Transit is steadfast in its support of the vision of Canyon Park as a thriving PSRC Regional Growth Center (RGC).

Community Transit

- Community Transit's *Swift* Green Line BRT service launched in March of 2019, and already has the second highest ridership for any route in its bus network. In addition to bus service, Community Transit has 108 vanpool groups, out of 400 total groups that travel through the Canyon Park area; and provides transportation demand management services for nine Commute Trip Reduction sites within the Canyon Park area.
- In general, Community Transit supports any of the Action Alternatives, but prefers the Live/Work and Mitigated Live/Work Alternatives. Transit is most efficient when serving areas with high land use intensities, mixed-use developments and connective walking networks.
- Since transportation demand management services in the area are provided by Community Transit, the agency can work with the City, employers and developers to adopt an effective mix of strategies as mitigation measures.
- The Action Alternatives proposal to reduce parking requirements will also encourage the alternatives to driving alone. Please consider addressing...the use of curb space by delivery and transportation network companies.

- Consider exploring the long-term potential for opening a roadway connection to the south, between 17th Ave. and 228th ST, to alleviate the traffic associated with bus operations at the Canyon Park Park & Ride and the new highway toll lane access point.
- Community Transit's bus network design will significantly change in 2024, with the arrival of Sound Transit's Link Light-rail system to Snohomish County.

Northshore School District

- The District appreciates the need to address the subarea development as a regional growth center. However, both the Business Plus Alternative and the Live/Work Alternative will have impacts to the District... the flow and access for the District's busses is critical in terms of moving students related to schedules and activities.
- Currently it is challenging for school buses to make a turn in or out on 20th Ave. SE during peak times. Opening up 20th Ave. SE to Maltby Rd. would create additional concerns... [and] increase time and costs to the District's transportation operation.
- Potential revisions to the 9th Ave. SE corridor would most likely impact Crystal Springs Elementary School... include at minimum raised 5-6' sidewalk/curb with a landscape barrier and bike lane for separation, signal controlled crosswalks (228th, 226th and 217th) and parent staging/parking on 9th Ave. SE in front of the school.

Recap of comments generated at other public engagement opportunities

9th Avenue SE / 214th Street SE neighborhood meeting

- Interest in greater mix of housing and jobs at the shopping centers to create more activity
- Majority of attendees opposed connecting 214th ST SE to 9th Avenue SE
- Many concerns about existing traffic congestion
- Many see the need for road extensions, but wish they didn't have to go through wetlands or neighborhoods
- Concerns about amount and speed of traffic that are already on 9th Ave SE
- Desire to improve school drop off, safe sidewalks and crosswalks for students walking to Crystal Springs and to a bus stop at 214th and Bothell-Everett Highway
- Support for bike and walking paths throughout, including a preference for a trail connection on the 214th St SE alignment
- Local improvements needed along 214th if extended westward as a city street

20th Avenue SE property owner (2020 Maltby and Fred Meyer) meeting

- Interested and supportive of this extension
- Desires that any extension retain the existing loading docks and employee parking areas
- Identified that significant numbers of vehicles currently use their parking lots as cut-through road (jokingly call it Highway 529)
- Concerned with lack of parking provided to adjacent residential areas and use of their lots for non-customer parking.

Comments generated at the third Property Owners Association annual meeting

- Concerns expressed regarding the costs of complying with modern surface water runoff requirements.
- Interested in learning more about the market analysis and whether the level of development analysis can be supported by the market.
- Very interested in seeing the transportation analysis of the private internal streets.
- Owners concerned that the internal roadways were never intended to support the levels of development now being considered.
- Interested in understanding what City investments will be made to create the 'sense of place' now lacking in the Business Park.

- The Owners are deeply concerned about the confluence of actions now before them including the WSDOT ETL Ramps, the Sound Transit Bus Base facility and the Canyon Park Subarea Plan. The owners are looking for coordination among these different actions.

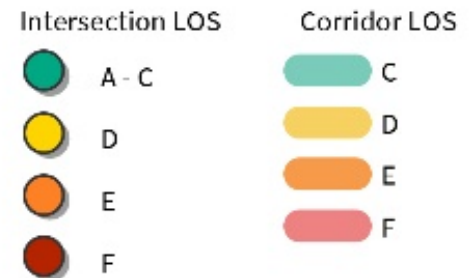
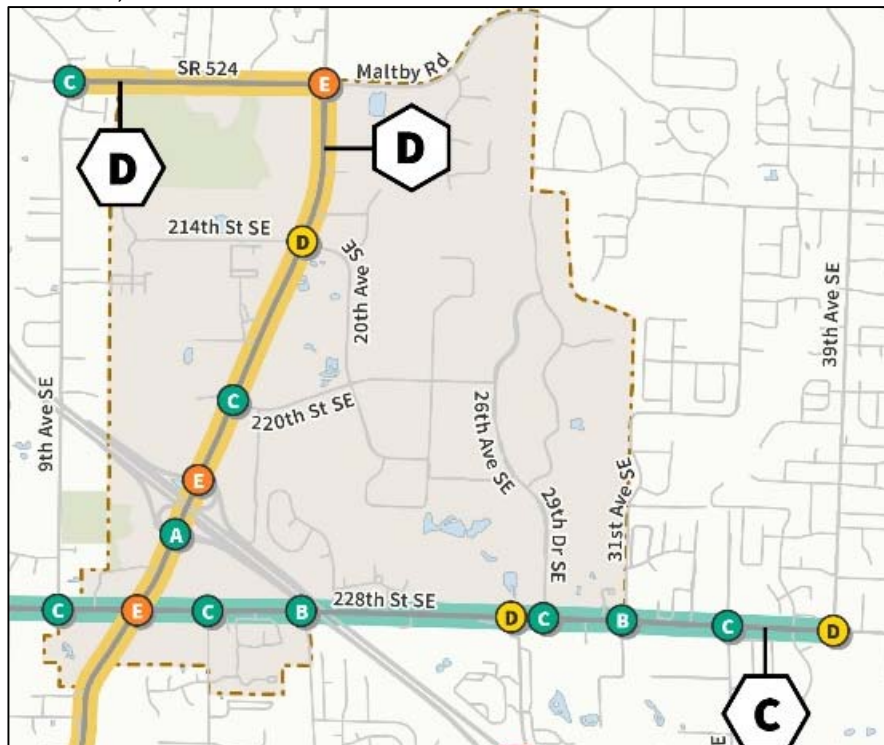
Life Science business owners meeting (Major life science companies within the RGC)

- Excited to see new approaches to the area.
- Agree with the Vision statements – all of those items are needed.
- Mixed Use is supported – particularly with an affordable housing component.
- Keep the beauty of the area – retain trees, and natural features.
- Companies have a desire to expand in Canyon Park and tall buildings are acceptable.
- Recommend the City contact one of the local ‘life science cluster’ developers to get their perspective on how to successfully integrate
- Manufacturing and office space can co-exist within the same building (subject to very stringent safety regulations)
- Desire to locate an activity center east of North Creek near the 23rd Avenue / 220th ST intersection or even further to the east.
- Desperate need for restaurants and other service retail in the area.
- Allow food trucks – such as a Food Truck corral where multiple food trucks could park during lunch or dinner.
- There is a real need for affordable housing for employees – even well-paid engineers are forced to travel long distances to find affordable housing.
- Their observations are that the worst traffic slow-downs occur in Bothell.
- A need to expand transit services both externally and internally.
- Support for more and improved walking paths and separated bike lanes.
- Desperately need a gathering place(s) where collaborations can occur and employees gather.
- Restaurants, service retail and other amenities are severely lacking in the area – no place close to have a meal or gather with employees

Transportation

An understanding of the transportation system is important but is a complex discussion that cannot be outlined in this brief report. More information, including the Draft Environmental Impact Statement (DEIS), is on-line at: <http://www.ci.bothell.wa.us/1176/Canyon-Park-Visioning>

The following is a brief recap of the transportation analysis.



Level of Service is a measurement of 'delay' or congestion. An LOS of A means no delay. An LOS of F means significant delay e.g. stop and go traffic

These maps measure the delay during the afternoon's (PM) peak one hour of delay

2019 Existing Level of Service (LOS) PM Peak hour

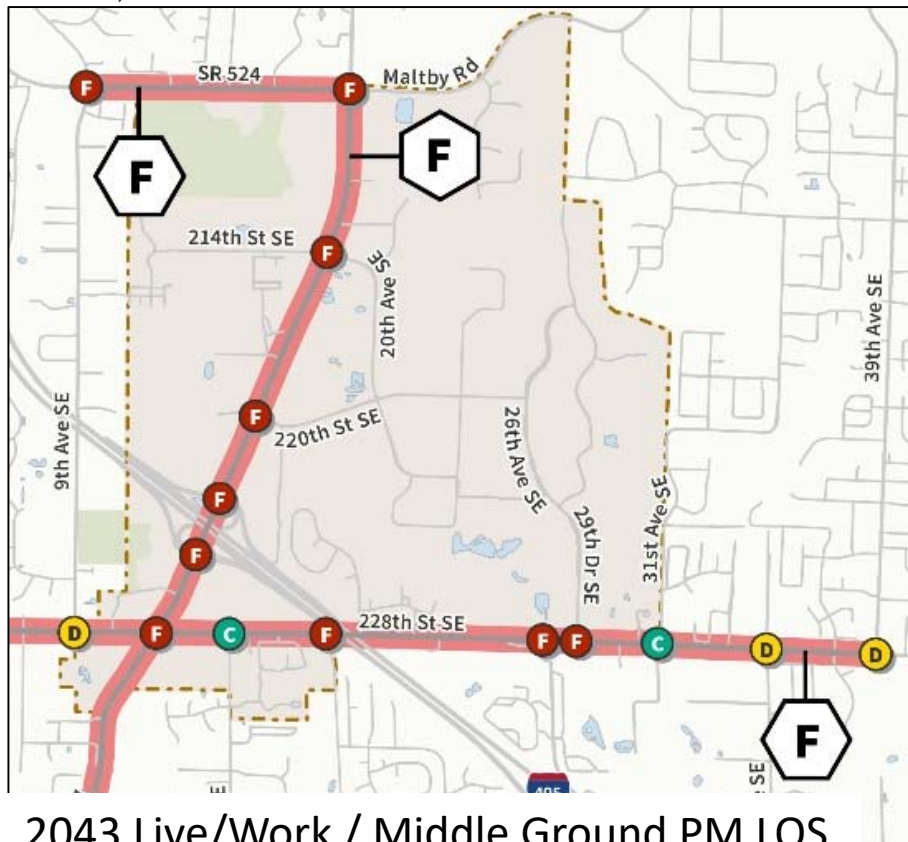


Assumes:

- Transportation Improvement (TIP) projects
- I-405 Express Toll Lane (ETL) ramp onto 17th Avenue SE into the Park
- Bus Rapid Transit (BRT) Services on SR-527 (Community Transit 'Green' line) and I-405 (Sound Transit)

This LOS delay occurs in the year 2043 if the City takes no action (allows the current Comprehensive Plan to be retained) and does not alter current zoning regulations

2043 'No Action' LOS PM Peak hour



Assumes:

- All of the projects above plus the new projects outlined on Page 19
- Middle Ground Alternative adds 13,700 people to the area. Together with background traffic LOS delays increase even with the planned transportation investments
- Background traffic generated from outside the Canyon Park area contributes significantly to this increased delay
- Investment in and use of Transit may be the best option for keeping people moving in the future.











Under No Action (status quo) by the year 2043, two of three corridors and five out of fifteen intersections will operate at LOS F (significant delay) during the PM peak hour. Under the Mitigated Live/Work alternative, three of three corridors and 10 of 15 intersections will operate at LOS F. The City's current adopted minimum LOS for corridors is E. The City does not apply an LOS to individual intersections.



A number of strategies have been investigated including:

- Reduced land use growth (*Mitigated Live Work Alternative*)
- Require Transportation Demand Management (TDM) strategies & programs
- Modify the City's transportation policies to accept a higher LOS (delay)
- Explore innovative intersection layouts
- Convert signals to roundabouts
- Add new turn lanes at intersections
- Consider new street extensions to the surrounding street network
- Widen 228th Street
- Emphasize transit over single occupant vehicles by adding Business Access Transit (BAT) lanes or converting general purpose lanes to BAT lanes

Table of other transportation improvements explored – Viable yes or no

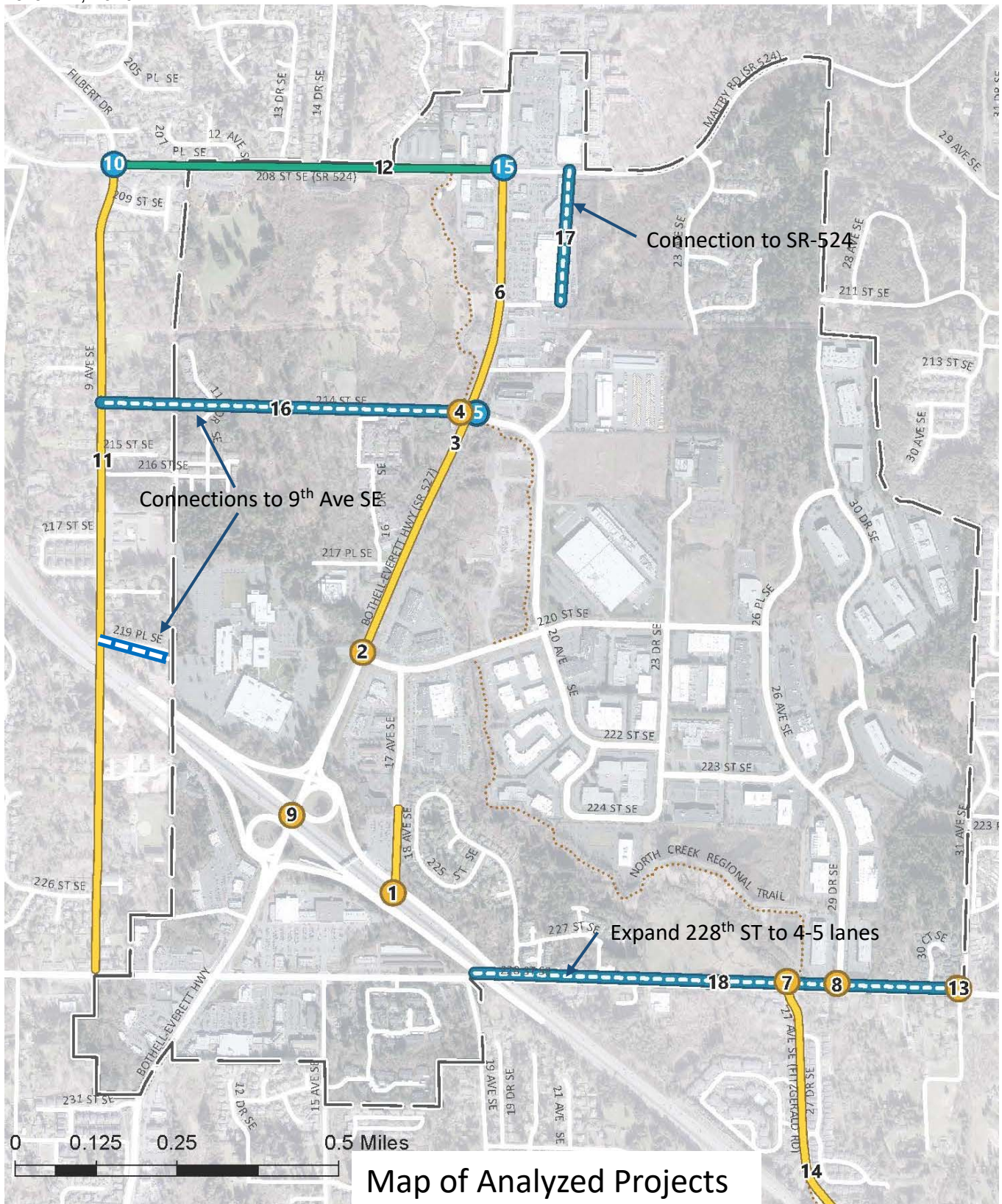
Project	Viable?	
	Yes	No
SR 527 roundabouts in lieu of signals		<input checked="" type="radio"/>
Add new BAT lanes in addition to new southbound 527 General Purpose lane		<input checked="" type="radio"/>
Grade separation (overhead ramps/bridges) improvements		<input checked="" type="radio"/>

Project	Viable?	
	Yes	No
405 interchange at Damson Road		
Displaced left turn lane intersections		
North Connection to SR 524 - via 23rd Ave SE		
Converting general purpose lanes to BAT lanes along SR-527		
West connection to 9th Ave SE – via 214th ST SE		
West connection to 9th Ave SE – via 219th ST SE		
North connection to SR-524 (Behind Fred Meyers)		
Travel Demand Management Strategies (TDM)		
Revise City's LOS Policy to accept higher delays in Canyon Park		
Add BAT lane to southbound SR-527 between SR-524 and I-405 in lieu of a new general purpose lane.		

-  More Definitive
-  Less Definitive

The map on the following page depicts projects contained within the current 2015 Comprehensive Plan Transportation Element that are shown in yellow and new 2020 transportation mitigation improvements shown in blue.

The transportation modeling effort assumed all 2015 Comprehensive Plan improvements are installed by the year 2035 or, for this model, 2043. A complete list is shown on the page following the Map of Analyzed Projects.



Map of Analyzed Projects


Potential New Mitigation Transportation projects highlighted in **blue**

Transportation projects already in the 2015 Comprehensive Plan and TIP are highlighted in **yellow**

March 17, 2020

Table – Potential Mitigation Project List – Yellow is current 2015 Comprehensive Plan projects – Blue is new 2020 proposed mitigation projects

No.	Project	Description
 1	WSDOT I-405 Direct Express Toll Lane Access Ramps	Direct access ramps from ETL to Canyon Park at 17 th Ave SE and Transit connections. Includes improvements to 17 th Ave SE and intersections at 220 th St SE / 17 th Ave SE and 220 th St SE / SR-527.
 2	220 th St SE and SR 527 Intersection	Add another eastbound left turn lane (2 total left turn lanes).
 3	SR 527: Add a southbound lane between SR 524 and 220 th St SE	Add a third southbound lane, and associated intersection revisions.
 4	214 th St SE & SR 527	Re-channelize the westbound through/left lane to a through/right lane.
 5	214 th St SE & SR 527	Add channelized westbound right turn lane and dual westbound left turn lane.
 6	SR 527 (211 th St SE to north of SR 524)	Add a third northbound through lane. Add a southbound left turn lane at SR 524 (2 left). Also known as SR 527/SR524 Intersection Improvements.
 7	228 th St SE & Fitzgerald Rd intersection	Adds eastbound right turn pocket.
 8	228 th St SE & 29 th Dr SE intersection	Adds westbound right turn pocket.
 9	I-405 Widening & SR 527 Interchange Improvements	Widening I-405 to add a second Express Toll lane from SR 522 to I-5 in Lynnwood. Improvements to the SR 527 and I-405 Interchange/ramps.
 10	9 th Ave SE & SR 524	Dual northbound left turn lanes.
 11	9 th Ave SE Widening: 228 th St SE to SR 524	Upgrade road to a Collector road standard (3-lanes) with improved pedestrian/bike facilities and improvements to the 228 and SR 524 intersections.
 12	North Creek Trail – Section 4	Complete the missing link along SR 524 between current trail and Filbert Rd.
 13	229 th St SE / 31 st Ave SE Intersection	Add a westbound dedicated right turn lane.
 14	Fitzgerald Rd: 240 th St SE to 228 th St SE	Widen road and add curb, gutter, and sidewalks.
 15	SR 527 / SR 524	Modify intersection to include two westbound left turn lanes and two westbound through lanes.
 16	214 th St SE Roadway Extension	Extend 214 th St SE west to the Canyon Park Subarea boundary.
 17	20 th Ave SE	Add new connection from 20 th Ave SE to SR 524.
 18	228 th St SE	Widen to five lanes from 19 th Ave SE to 31 st Ave SE. This widening project could be physically constrained where it crosses under I-405 due to the placement of existing I-405 columns and may have impacts to 19 th Ave SE.

Comprehensive Plan Projects Intersection Project Corridor Project Non motorized Project**Potential Mitigation Projects** Potential Intersection Mitigation Potential Corridor Mitigation

March 17, 2020

The following table describes the relative benefits and impacts and considerations of the new projects shown in blue and includes a general cost range of less expensive (\$) to most expensive (\$\$\$\$)

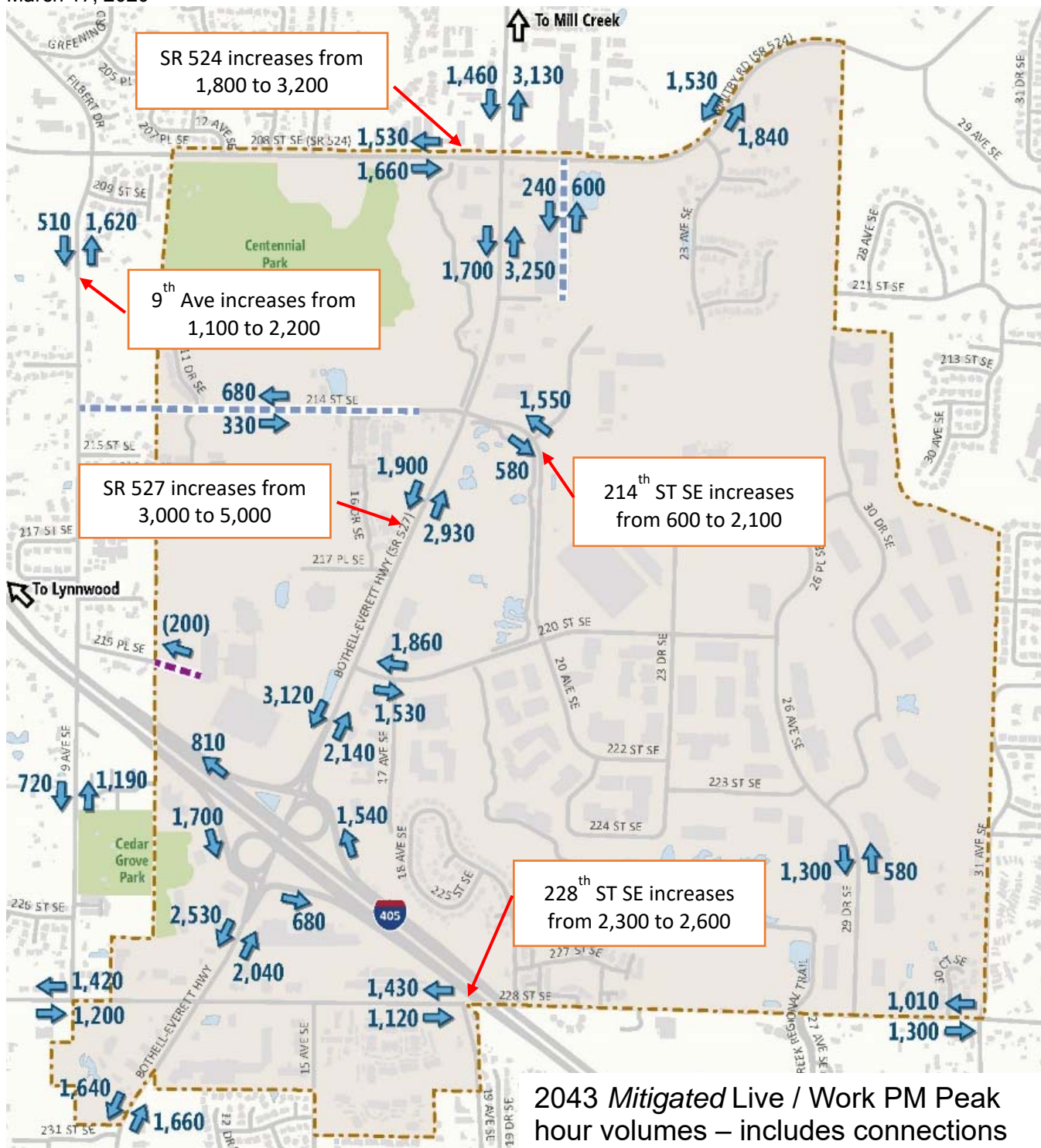
Table. New Transportation Mitigation Projects (shown in blue above) Summary

Project	Potential Benefits		Potential Impacts & Considerations			
	Supports businesses & community members who commute by car	Supports multimodal transportation	Community	Wetlands & streams	Other	Approx. cost (\$-\$\$\$)
5. 214th St SE & SR 527 intersection modification	Medium: Provides additional vehicle capacity in/out of business park. Average delay decreases by 53 seconds, but still expected to operate at LOS F. (corresponds with 214 th street extension).	Medium: Re-channelization would result in some improvements to pedestrian crossings.	Low: Increases crossing distance for North Creek Trail over 214 th St SE.	Low: Minor impacts to wetlands and North Creek tributary.	Low: Minor right-of-way impacts to business on northeast corner (and potentially southwest corner).	\$
15. SR 527/SR 524 intersection modification	Medium: Provides additional vehicle capacity and improves vehicle access to the study area. Average delay decreases by about 59 seconds, but still expected to operate at LOS F.	Low: Design may include pedestrian and bicycle infrastructure and reduce pedestrian wait time at the intersection.	Mixed: Pedestrian crossings would be even longer distances.	None	Medium: Right-of-way expansion needed on adjacent commercial properties. Parking and access impacts.	\$\$
16. 214th St SE and 219th St SE street extension / connection	High:	Medium: Potential improvement if pedestrian and bicycle infrastructure is included.	High: Increases vehicle traffic through neighborhood.	High:	High:	\$\$\$\$

Project	Potential Benefits		Potential Impacts & Considerations			
	Supports businesses & community members who commute by car	Supports multimodal transportation	Community	Wetlands & streams	Other	Approx. cost (\$-\$\$\$\$)
	<p>Provides improved mobility with a more connected street system to/from the study area.</p> <p>Reduces unnecessary new vehicle trips on SR 527 and SR 524.</p>			<p>Impact to wetlands and buffers throughout the corridor. One new Royal Anne Creek stream crossing.</p> <p>Opportunity to upgrade fish passage to North Creek, North Creek tributary, and Royal Anne Creek stream crossings.</p>	<p>Right-of-way strip needs throughout the corridor. Unidentified right-of-way needed near four residences on west end at 9th.</p>	
<p>17.</p> <p>20th Ave SE street extension (behind Fred Meyer)</p>	<p>High:</p> <p>Provides additional vehicle routing options to/from the study area.</p> <p>Reduces unnecessary vehicle trips on SR 527 and SR 524.</p>	<p>Medium:</p> <p>Potential improvement with additional crossing of SR 524 if pedestrian and bicycle infrastructure is included.</p>	<p>None</p>	<p>High:</p> <p>Impact to wetlands. One new stream crossing required.</p>	<p>Medium:</p> <p>Impacts to the Fred Meyer commercial business loading and circulation</p>	<p>\$\$\$</p>
<p>18.</p> <p>228th St SE widening & rechannelization</p>	<p>Medium:</p>	<p>Medium:</p>	<p>Mixed:</p>	<p>Low:</p>	<p>Medium:</p>	<p>\$\$\$\$</p>

Project	Potential Benefits		Potential Impacts & Considerations			
	Supports businesses & community members who commute by car	Supports multimodal transportation	Community	Wetlands & streams	Other	Approx. cost (\$-\$\$\$)
	Increases roadway capacity to improve access to/from study area. Benefits may be limited as 228 th St narrows back to three lanes east of 39 th Ave.	Potential improvement if pedestrian and/or bicycle infrastructure is included, especially if filling the sidewalk gap on 228 th St SE under I-405.	Roadway crossings, including the North Creek Trail crossing, would be longer. Depending on right-of-way needs and availability, the sidewalk and bicycle environment east of I-405 may narrow.	Potential fish passage improvements to North Creek, Junco Creek, South Fork Perry Creek, Palm Creek, and unnamed tributary stream crossings. Minor wetland impacts.	Right-of-way expansion needs on both sides throughout the corridor. This project could be physically constrained where it crosses under I-405 due to the placement of existing I-405 columns and may have impacts to 19 th Ave SE.	

The map on the following page projects the 2043 PM Peak hour trip numbers calculated for the *Mitigated* Live / Work Alternative (the same as the Middle Ground Draft preferred land use alternative).



2043 PM Mitigated Live/Work and Middle Ground Preferred Alternatives

- +6,500 new PM peak hour trips compared to 2019 conditions

2043 No Action – Current Comprehensive Plan

- +4,000 new PM peak hour trips compared to 2019 conditions

2043 extensions

- 214th Street SE extension could carry about 1,000 new PM peak hour trips
- 219th Street SE extension could carry about 200 PM peak hour trips

March 17, 2020

- 20 Ave SE extension (Fred Meyer) could carry about 850 PM peak hour trips

Next Steps

Tentative dates – Subject to revision

March

- 3/17/20 City Council Study Session – Preferred Alternative

April

- 4/15/20 Commission Study Session - Subarea Plan

May

- 5/5/20 City Council Public Meeting - Preferred Alternative
- 5/6/20 Commission Public Hearing – Subarea Regulations and Action Plan
- 5/20/20 Commission Public Hearing – Subarea Regulations



June

- 6/3/20 Commission Public Hearing – Subarea Regulations and Action Plan – Action
- 6/16/20 City Council Study Session - Subarea Regulations and Action Plan
- 6/28/20 City Council Public Hearing – Subarea Regulations and Action Plan

July

- 7/14/20 Council Public Hearing – Adoption of Planned Action Resolution
- 7/21/20 Council Public Hearing - Adoption of Planned Action Resolution

Att-3

 Reply  Reply All  Forward



Fri 2/28/2020 3:42 PM

Tracy Holman <tracy@businesspropertydevelopment.com>

RE: [EXTERNAL] Meeting on Comp Plan

To Bruce Blackburn

Cc Roger Belanich

Retention Policy Auto Delete Inbox Message At 90 Days Old (90 days)

Expires 5/28/2020

Bruce,

Thank you for the informative meeting yesterday in which we discussed the Comp Plan uses for the two properties outlined below.

I support the Office/Residential-H for my property located between 17th Ave SE and the Bothell-Everett Hwy south of 220th Street. I anticipate that this would be a 100 foot office building with parking within the building as well as adjacent surface parking.

I also support the Office/Residential use for my four acres located on the southwest quadrant of I-405 and the Bothell-Everett Hwy. The City is considering the uses to be Office/Residential-Med. As we discussed I support Office/Residential-H for this property. It is imperative to allow flexibility and allow the future to define the specific use of either residential or office to a maximum height of 100'. This property has excellent identity to the interchange and either office or residential would be appropriate, but the height would need to be 100feet in order to be economically feasible since it will require the removal of the existing retail (with the exception of the Hilton Hotel). Either use would require parking with the building as well as adjacent surface parking. Only the future will be able to define either uses as well as their land use impacts and economic feasibility.

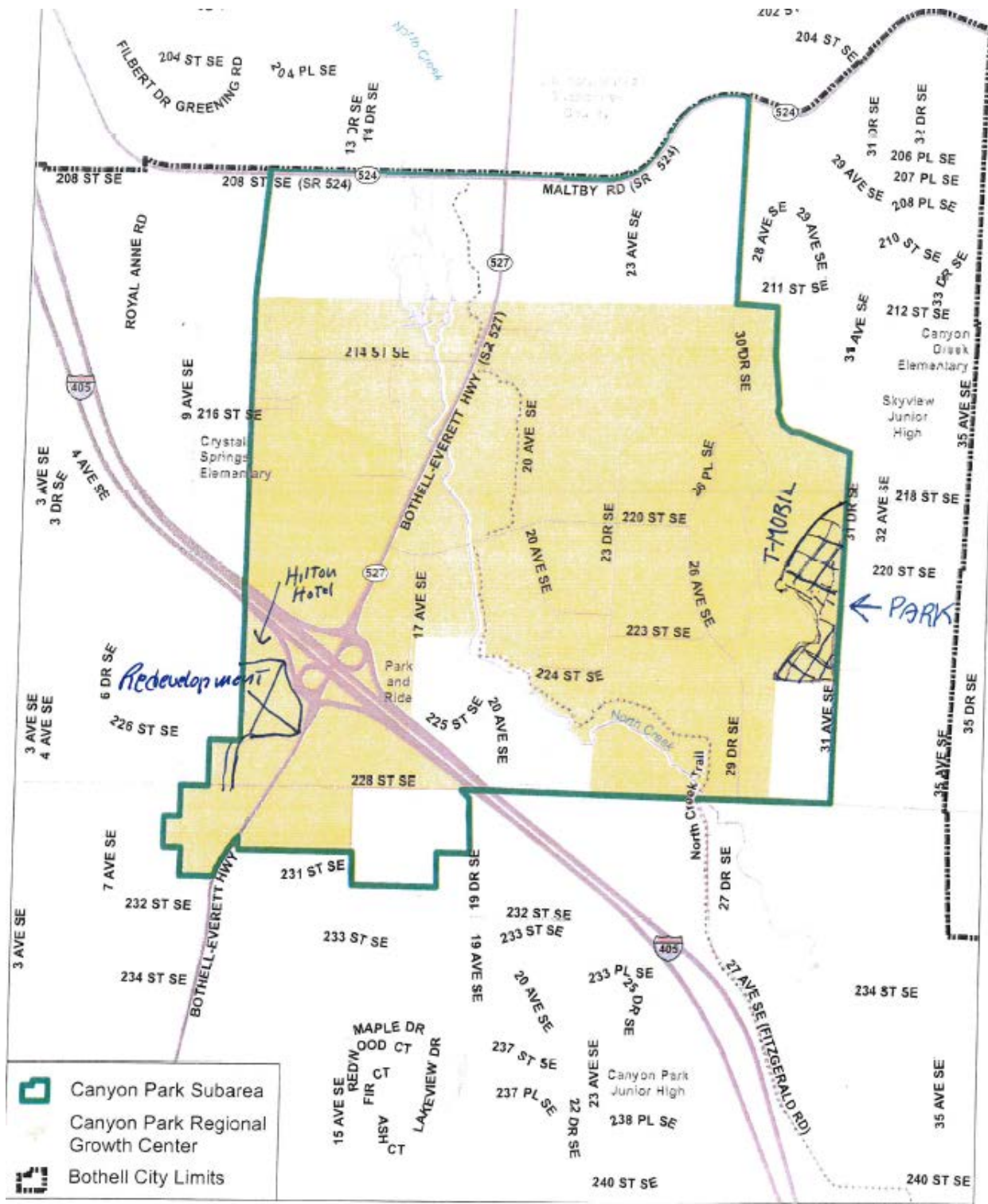
Re: Park Property

The Canyon Park Owners' Association supports a park on the 17 acres between T-Mobile and 31st Ave SE. It is essential that it be so designated Park in the Comp Plan, even though the City could reject a donation by me. It is very much a passive park now for employees as well as the neighborhood. The kind of park use could be determined later by the City should the City accept the property.

Thank you all for considering these proposals.

Roger Belanich

Attachments follow





 Reply  Reply All  Forward



Wed 3/4/2020 2:32 PM

Cheryl Chikalla

[EXTERNAL] Re: Canyon Park Public Hearing March 4, 2020

To Bruce Blackburn

[Retention Policy](#) [Auto Delete Inbox Message At 90 Days Old \(90 days\)](#)

For the Planning Commission:

I am the HOA President for Crystal Creek I Townhomes. We are located on 11th Dr. SE and 214th. We are a development of 37 townhomes and are a gated community. We are surrounded by protected wetlands on all sides of our development. Crystal Creek II Townhomes, which is a separate development, lies just to the south/southwest of our development. There is a fire access road between the two developments, with a gate that is closed except for emergency vehicles.

At the previous meeting held on January 9th, HOA officers from both developments expressed concern about extending 214th out to 9th Ave in order to provide a throughway foo connect Bothell Everett Highway and 9th Ave. We are concerned about the amount of traffic that would travel between both developments each day, the noise, the congestion, and the loss of the protected wetlands, if 214th were to be extended. Crystal Creek I is additionally concerned as to how we would exit out of our development, safely and in a timely manner, given that we are gated. Every owner who lives in Crystal Creek I considered the gate and the limited access, in particular, to our development.

Our suggestions are:

Why not consider extending 217th Place to 9th Ave? It would require accessing part of the drive and some of the existing parking spaces for Phillips, however, the portion of the road closest to Bothell Everett Highway, the fire station and Juno is already wide enough to handle two traffic lanes (one in each direction), plus sidewalks. It appears there would be less of an intrusion into the protected wetlands to extend sidewalks along that whole corridor, as well.

At the previous meeting a suggestion was made by one of the people from your team that 214th become more of a bike path and pedestrian path to provide access from 9th Ave to Canyon Park shopping, transit, etc. Both Crystal Creek HOA boards were very supportive of that idea. It would maintain both of our developments and the wetlands, limit car traffic on 214th to those living at Crystal Creek I townhomes, yet provide access from 9th Ave. for foot-traffic or bicycles to the Canyon Park area.

Finally, please consider syncing traffic lights along Bothell Everett Highway and within the Canyon Park area (now) for better traffic flow. Perhaps with some adjustments, traffic could flow better through the area without having to intrude on small neighborhoods or protected wetlands. With approximately 500 new housing units being built within the Canyon Park Business Park, it seems wise to be working on solutions to problems that exist today, while also

keeping an eye on the future. The HOA Board and owners at Crystal Creek I appreciate your consideration of our concerns and suggestions.

Kind regards,

Cheryl Chikalla
HOA President
Crystal Creek I Townhomes

March 4, 2020

City of Bothell Planning Commission
c/o Bruce Blackburn, Senior Planner
Bothell City Hall
18415 101st Avenue NE
Bothell, WA 98011

Sent by email: bruce.blackburn@bothellwa.gov, CanyonPark@bothellwa.gov

RE: Public Hearing Canyon Park Sub-Area Plan Preferred Alternative

Dear Chair Vliet and Planning Commissioners:

This firm represents the Canyon Park Business Center Owners' Association ("CPBCOA"). The CPBCOA is comprised of 60 property owners. The Canyon Park Business Center ("the Park") is over 360 acres, contains hundreds of businesses, and is a significant economic development and employment generator for the City of Bothell.

The CPBCOA has been working with City staff on a variety of issues over the past several years, including, but not limited to, the Canyon Park Sub-Area Plan and the I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project ("ELT"). We have always appreciated the willingness of the Community Development Department to seek out to the input of the CPBCOA and the businesses in the Park. We will continue to work with City staff, the Planning Commission and City Council on projects that effect future growth and development in the Park.

Candidly, we are gravely concerned that the City has not adequately considered or addressed the significant transportation impacts that increasing the land use intensities of the Canyon Park subarea will have on all of the businesses and residents in the area. We urge the Commission to request more information regarding how the transportation impacts will be addressed *before* attempting to select a preferred alternative for the proposed Canyon Park Sub-Area Plan at your public hearing tonight.

Our comments are as follows:

1. The CPBCOA is extremely concerned that the City remains reluctant to accept dedication of the private roadways within the Park. Each of the alternatives, including the proposed Preferred Alternative, anticipates significant increases in land use intensity within the Park that cannot be accommodated by the existing road system. The CPBCOA does not

have the legal authority or financial resources to expand the capacity of the roads, so these capacity issues cannot be addressed while the roads remain privately owned. The City's subarea plan treats these streets as though they are publicly owned and accessible, which is not currently legally accurate.

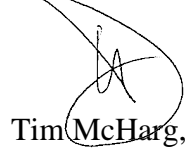
2. The evaluation of the Preferred Alternative must include an analysis of all known related actions, including the WSDOT ETL and the Sound Transit Bus Maintenance Facility projects.
3. The City must coordinate with WSDOT regarding transportation impacts and mitigations from ETL project. The increases in, and redistribution of, traffic volumes of the ETL project must be included in the analysis of the Preferred Alternative. Currently, our analysis is that the WSDOT design for the 17th Ave SE/220th St SE intersection is not adequate at initial construction to accommodate ETL traffic, let alone traffic growth based on the increased intensity proposed by the Preferred Alternative. The impacts of ETL traffic plus increased traffic proposed by the Preferred Alternative on other private streets and intersections within CPBC have yet to be analyzed by the City. Once these impacts are analyzed, sufficient mitigation must be proposed and included in the Sub-area Plan.
4. As part of the ETL project, WSDOT has designed improvements to 17th Ave SE as mitigation for the impacts of the project. It is anticipated that 17th Ave SE will carry in excess of 3,200 vph during the PM peak hour. Given these volumes and the current design of 17th Ave SE, it is unclear how this can function as a "Neighborhood Center Street" as proposed by the Preferred Alternative.
5. At the February 19 Planning Commission Study Session, the City's economic consultant indicated that new office space is not economically feasible in the Sub-area under present market conditions. The consultant offered no professional opinion on when, if ever, new office space would be economically feasible. Moreover, Page 2 of the March 4 Planning Commission staff report summarizes the Planning Commission's direction as, "The City should be patient and wait for preferred land uses instead of accepting whatever land uses are currently favored by the market." While it is the City's prerogative to select a Preferred Alternative that is admittedly economically infeasible for the foreseeable future, that lack of economic feasibility must be reflected in the evaluation of the Preferred Alternative. This evaluation must include the following:
 - a. The buildable lands analysis for the Preferred Alternative must reflect the economic infeasibility of new office space. There are no recent historical "achieved densities" for office uses, and office use is not supported by the City's market analysis. Therefore, only uses supported by historical "achieved densities" or by a market analysis can be considered as components of future demand for redevelopment capacity.
 - b. Since the City's economic consultant has determined that new office space is infeasible for the foreseeable future, the impacts of all "Office/Residential" land use designations (High, Medium, and Low) must be analyzed based on residential

use. This includes trip generation, demand for public services and utilities, and resulting LOS for public services and utilities.

6. The comparison between the No Action and Preferred Alternative LOS PM Peak Hour traffic is presented inaccurately. The No Action Alternative assumes that the City will not make any transportation improvements in the Subarea during the 20 year planning period. That is not realistic given the value of the Canyon Park Sub-area to the City in terms of tax base and economic development and the City's obligations under the GMA. The forecasted conditions for the No Action Alternative assumes that the City will not adequately plan for growth within the Canyon Park Subarea, nor partner with other jurisdictions regarding traffic impacts and mitigation. Since the City is required to plan for growth and accommodate planned growth with capital improvements, many of the "mitigation" projects now proposed by the Preferred Alternative should also be included in the No Action Alternative. The evaluation of the No Action Alternative should include a reasonable amount of City investment in transportation improvements during the planning period.
7. Residential use in the Park is limited to a defined area of 72.75 acres pursuant to the CPBCOA CC&Rs. For the areas within the Park proposed for "Office/Residential" use in the Preferred Alternative, only 18.09 acres is within the defined area where residential use is permitted by the CC&Rs (Parcel Nos. 27053000106500, 27052900204600, 27052900204700, 27053000106400, 27053000106300, and 27052900204800.) Based on the CPBCOA CC&Rs, residential use is not permitted on any of the other parcels designated for "Office/Residential" use in the Preferred Alternative. Since the City has not produced a market study that supports the feasibility of office use in the Sub-area and residential use is not permitted, it is unclear what the City believes will happen in the area within the Park designated as "Office/Residential" by the Preferred Alternative.
8. The Preferred Alternative proposes to add 4,225 new residents and 9,458 new employees to the Sub-area. Yet there are only two new public spaces proposed, and one is at the south end of the Sub-area. This is completely inadequate to support the proposed growth in residents and employees. Additional City investment in public spaces and urban design features is necessary to mitigate the impacts of the proposed additional intensity.
9. Stormwater regulations need to be factored into all pro-formas as either an increased cost for compliance or a decreased yield to accommodate stormwater infrastructure. Simply because the regulations apply uniformly to all new development does not mean that the impacts to the economic feasibility of projects can be dismissed. The economic effects of the stormwater regulations must be reflected in the yet-to-be-issued pro-formas to determine the economic feasibility of the Preferred Alternative.
10. Similarly, the pro-formas must include all of the additional costs of development that are proposed by the Preferred Alternative regulations, including, but not limited to, affordable housing, affordable commercial space, public space requirements, requirements for a new "neighborhood center street," ground floor retail requirements, wetland/stream buffer enhancement requirements, and increased impact fees to fund transportation, parks and public services.

Thank you for your consideration of our comments. Please let me know if you have questions or would like to discuss these issues in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim McHarg', written over a circular scribble.

Tim McHarg, AICP

CC: Michael Kattermann (by email: michael.kattermann@bothellwa.gov)
CPBCOA Board
Molly Lawrence
Ray Liaw
File

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City of Bothell™

City Council
Agenda Bill
AB # 20-044

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Jennifer Phillips, City Manager

DATE: March 17, 2020

SUBJECT: Consideration of Amending City Council Protocol Manual Section 7.14
Attendance via Speakerphone (AVS)

**DISCUSSION/
BACKGROUND:**

The City Council initially adopted the City Council Protocol Manual in June 2000. The Manual has been revised 11 times, with the last revision adopted on December 17, 2019. At the request of Mayor Olsen, this item was placed on the February 18, 2020 City Council Agenda for discussion and consideration of amendment of Section 7.14 - Attendance via Speakerphone. At that time discussion was tabled until March 17, 2020.

Current protocol language for Section 7.14 reads as follows:

7.14 Attendance via Speakerphone (AVS)

From time to time, a Councilmember will not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Councilmember to attend a Council meeting via speakerphone are as follows:

A. The Rare Occasion

Attendance via speakerphone should be the rare exception, not the rule, and AVS is limited twice a year per Councilmember. Examples of situations where AVS would be appropriate include, but are not limited to:

- An agenda item is time sensitive, and AVS is needed for a quorum;
- An agenda item is of very high importance to the Councilmember that cannot be physically present;
- It is important for all Councilmembers to be involved in a decision, but one Councilmember is unable to be physically present.
- AVS shall be limited to one agenda item, not the entire Council meeting.

B. Notification

If a Councilmember wishes to attend a Council meeting via speakerphone for an agenda item, the Councilmember should notify Council of his or her intent at the Council meeting prior to the meeting for which they wish to attend via speakerphone.

If that is not possible, the Councilmember should notify the City Manager of his or her wish to attend a Council meeting via speakerphone for an agenda item not later than the business day prior to the Council meeting for which he or she wishes to attend via speakerphone. With less notice, it may not be possible to make the necessary arrangements to allow attendance via speakerphone. Attendance via AVS will be reflected in the minutes

New language proposed by the Mayor:

- From time to time, a Council member will not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on agenda bill items.
- Attendance via speaker phone should be the rare exception, not the rule, and AVS is limited to six times a year per Councilmember.
- No specified limitations on the number of specific agenda bills per council meeting will be placed on a council member who is using AV on one of their days.
- Due to limitations with current technology only one person can participate via AVS at a time. Until the technology is upgraded, AVS participation is limited to the first council member who gives notice for each Agenda Bill. Notice may be given either at a previous council meeting or email to the Mayor/City Manager.
- A quorum is required to be physically present at a meeting.

**FISCAL
IMPACTS:**

There are no financial impacts associated with this item.

City Council
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ATTACHMENTS: | None.

**RECOMMENDED
ACTION:** | None.

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